

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION****October 18, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., October 18, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2, Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Bill Scalzo, Assistant County Manager, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Celeste Hamilton, Parks and Recreation Advisory Commission member, led the assemblage in the Pledge of Allegiance.

**BOARDS AND COMMISSIONS RECOGNITION**

Al Macias, Public Information Officer, called members of the following Boards and Commissions to come forward to meet with the Supervisors and receive a plaque of commemoration for their contribution of time and knowledge to Maricopa County and its citizens. The Chairman and all Supervisors left the dais to greet the members in attendance and congratulate them for their willingness to serve their community in such important ways. (ADM662):

**Arizona Diamondbacks Foundation Board of Directors**

Rick West	Michael Yates
Annette Auxier	Isaac Serna
Hope Ozer	Maxine Royer
Tom Patterson	Bill Scalzo

**Flood Control Advisory Board**

Ray Acuna	Robert Justice
Scott Ward	Melvin Martin
Kent Cooper	Tim Phillips
Hemant Patel	Paul Cherrington

**Library District Citizens' Advisory Committee**

Laura Bierl	Jane E. King
Janet Mills	Roy Delgado
Sue Jordan	William Wiess
Jon Ford	Harry Courtright
Judy Bailey	Bill Scalzo
Cindy White	

**Parks and Recreation Advisory Commission**

Jill Kusy	Raul Chayrez
Laurel Arndt	Debbie Lemon
Jack Stapley	Rhonda Woodward

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

Anne Lynch                      Randy Virden  
Celeste Hamilton              Bill Scalzo

**Sports Commission Board of Directors**

Tom L. Taradash  
George Lee  
Michael Benson

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, Chairman Stapley called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilson to recommend approval of the following liquor license applications:

- a.        Application filed by Lauren Kay Merrett for an Original Series 12 Liquor License: (LL6203)

Business Name:              Taco Del Mar  
Location:                      3668 W. Anthem Way, #C-162, Anthem, 85086

- b.        Application filed by Joan Therese Cosson for a Special Event Liquor License: (SELL748) (F23192)

Business Name:              Catholic Daughters of the Americas  
Location:                      14818 W. Deer Valley Drive, Sun City West 85375  
Date/Time:                    October 29, 2006; 3:00 pm – 6:30 pm

- A-1      Application filed by Ronald Arthur Paradis for an Original Series 12 Liquor License (LL6202). This item is continued from the October 4, 2006 Board meeting.

Business Name:              Streets of New York  
Location:                      39508 N Daisy Mountain Road, Anthem 85086  
**Approval is subject to receipt of a Certificate of Occupancy**

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

**ROAD DECLARED (ROAD FILE NO. A356)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6407058000)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 25<sup>th</sup> day of September, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of the Streets in their entirety in MAP of AGUILAR-TOWNSITE, together with all appurtenances and easements of record, a subdivision lying within the Southeast quarter of the Southeast quarter of Section 15, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona and Book 07 of Maps, Page 38 MCR, listed as follows;

Harcuvar Street from Second Avenue to Eagle Eye Avenue,  
Harqua Hala Street from Second Avenue to Eagle Eye Avenue,  
Valley Road from Second Avenue to Eagle Eye Avenue,  
Second Avenue from Valley Road to Harcuvar Street,  
First Avenue from Valley Road to Harcuvar Street,  
Eagle Eye Avenue from Valley Road to Harcuvar Street.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of October 2006.

**ROAD DECLARED (ROAD FILE NO. A372)**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6407061000)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 25<sup>th</sup> day of September, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

That portion of a certain roadway known as Old Mine Road, together with all appurtenances and easements of record, shown in Tonto Hills, a subdivision lying within Sections 9, 10 & 15, Township Six (6) North, Range Five (5) East, of the Gila and Salt River Base, Maricopa County, Arizona and recorded in Book 93 of Maps, Page 05 MCR, listed as follows;

Old Mine Road from the Northwest boundary line of said Tonto Hills subdivision to the intersection of Deer Trail Road;

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of October 2006.

**ROAD DECLARED (ROAD FILE NO. A366)**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6407062000)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 25<sup>th</sup> day of September, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Roadways of a width of 50 feet, together with all appurtenances and easements of record, said roadways being Bush Street and a portion of Myers Street and Laura Street; lying within the West half of Section 13, Township Five (5) North, Range One (3) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows;

Bush Street from Laura Street to Myers Street, Laura Street from Bush Street to Walnut Street, Myers Street from Bush Street to Walnut Street;

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of October 2006.

**REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

Item: The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (Addendum item A-2) (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

No vouchers were presented and no staff updates were given to the Board of Supervisors on regional schools operations and finances, at this meeting. (ADM3814-005)

**FILING OF SPECIAL ACTION OR OTHER APPROPRIATE APPELLATE RELIEF**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the filing of a special action or other appropriate appellate relief in the Maricopa County Superior Court matters of CV2006-052611, Dowling v. Maricopa County Board of Supervisors, and CV2006-014285, Schweikert v. Dowling, consolidated cases. (Addendum item A-3) (ADM3814-004)

**~ Supervisor Wilson left the meeting for a conflict of interest on the following item ~**

**AIDA RENTA COUNTEROFFER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-0-1) to approve the counter offer in Aida Renta v. Maricopa County, ~~TX~~ CV 1996-016474. (Note: The Clerk made the case law correction prior to the vote.) (Addendum item A-4) (C1907018000) (ADM409)

**~ Supervisor Wilson returned to the meeting ~**

**BEHAVIORAL HEALTH SERVICES FUNDING**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS) which extends the existing arrangement for the County's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$37,339,747 for FY 2006-07. This increases the level of county funding based on medical inflation for services to the seriously mentally ill by \$1,546,818, over the funding paid under the previous IGA in FY 2005-06. The FY 2006-07 IGA also requires the county to fund non-SMI services in the amount of \$3,366,705 and substance abuse services in the amount of \$1,489,871 for the one-year term which is equal to the FY 2004-06 level. The IGA will be in effect until June 30, 2007. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total county funding for behavioral health services in FY 2006-07 under the IGA will be \$37,339,747 for a one-year term. (Addendum item A-5) (C3907005100)

**GRANT-IN-AID FISCAL AGENT AGREEMENT**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

Pursuant to A.R.S. §42-17105, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve **AND ACCEPT FUNDS FOR** the Grant-in-Aid Fiscal Agent Agreement between the Tohono O'odham Nation, Maricopa County, and Gila Bend Unified Schools in the amount of ~~\$240,794.32~~ \$279,794.32. Approval of this agreement will allow Maricopa County to perform the duties of fiscal agent, paying agent and registrar for all monies the Tohono Nation deposits with Maricopa County for the benefit of the Gila Bend Unified Schools. Authorize the Chairman of the Maricopa County Board of Supervisors to sign any applications. Also, approve the transfer of revenue and expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Superintendent of Schools Grant Fund (Department 370, Fund 715). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grant Fund revenue and expenditures by ~~\$240,794.32~~ \$279,794.32 and increasing the FY 2006-07 Superintendent of Schools Grant Fund (Department 370, Fund 715) revenue and expenditures by ~~\$240,794.32~~ \$279,794.32. These adjustments will result in a countywide net financial impact of zero. ~~Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board.~~ This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board. (Addendum item A-6) (Note: The Clerk made the above addition, deletions and corrections prior to the vote.) (C3707006200)

**PUBLIC HEARING – FIREWORKS PERMIT APPLICATION**

Pursuant to A.R.S. 36-1603, Chairman Stapley called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following application for an original Fireworks Display, subject to receipt of a Temporary Use Permit. These were filed by Fireworks Productions of Arizona: (ADM665-63)

Organization:	Manzanita Speedway
Location:	3417 W Broadway Road, Phoenix, 85041
Date/Time:	October 28, 2006; 7:30 p.m.

**AMEND FY 2007 ANNUAL AUDIT PLAN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to amend the FY 2007 Annual Audit Plan to include additional work requests. (C2307001M00) (ADM3600)

**Internal Audit's Fiscal Year 2007 Annual Audit Plan  
(Amended 10-18-06)**

**High Risk Audit Areas**

Adult Probation  
Environmental Services  
Public Health  
Sheriff's Office  
Accounts Payable  
Contract Audits  
Financial Condition Report  
Payroll  
Performance Measure Audits

**Low Risk Audit Areas**

County Manager's Office  
Clerk of the Board  
BOS Agenda Review  
General Government  
Website Information  
Single Audit Reviews

**Information Technology Audit Areas**

Adult Probation Application Security Review



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

Random Cash Counts  
Revenues  
Special Request Audits

**Medium Risk Audit Areas**

Emergency Management  
Justice Court Services  
Justice Courts  
Parks and Recreation  
Recorder's Office  
Telecom/OCIO  
Leases  
Program Evaluation

Continuous Monitoring Reviews (Pcards, Etc.)  
Environmental Svcs Application Security Review  
Integrated Criminal Justice Info System Review  
Internet Usage Reviews  
Justice Courts Application Security Review  
Public Health Application Review  
Recorder's Application Security Review  
Sheriff's Jail Management System  
Systems Development Reviews

**Add Audit Area**

Treasurer's Office--Special Request Audit

**SCOTTSDALE MEMORIAL HEALTH SYSTEMS, INC., V. MARICOPA COUNTY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize filing a Notice of Appeal and taking all appropriate actions to prosecute the appeal in Scottsdale Memorial Health Systems, Inc., v. Maricopa County, Maricopa County Superior Court Cycle Two: NO. CV 1997-021512 (consolidated cases). This item was discussed in Executive Session on October 16, 2006. (C1907015M00) (ADM413)

**QUEEN CREEK LAW ENFORCEMENT SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to the intergovernmental agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff's Office. This amendment increases the amount of time for notice of termination from 90 days for termination without cause to six months, and it increases the service level from three beats to four full beats agreement effective January 1, 2007, or as soon thereafter as the Sheriff's Office can provide increased service. This amendment results in the provision of 31.98 full time employees (FTEs). The Sheriff's Office will be requesting establishment of new positions per Queen Creek's request and to catch up with the terms of the agreement in actual positions corresponding to increases to date in beat-driven FTE. Deputy positions to be established immediately and the remainder to be in effect January 1, 2007.

Pursuant to A.R.S. §42-17106, also approve an increase to the Sheriff's Office General Fund (100) FY 2006-07 revenue appropriation of \$735,944 (\$858,515 annualized) and expenditure appropriation of \$723,582 (\$833,791 annualized) for the additional revenue and direct expenses generated by this action. Intergovernmental agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5005001203)

Also approve the permanent additions to Sheriff's Office fleet for four vehicles; three patrol SUVs and one detective vehicle, which will be funded in a lump sum by the Town of Queen Creek along with several other equipment items. (ADM3104)

**OVERTIME AND OPERATIONAL COSTS FOR FOREST SERVICE SUPPORT**



<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the amendment to the Cooperative Law Enforcement Agreement between the Maricopa County Sheriff's Office and the U.S. Department of Agriculture, Forest Service, Tonto National Forest and acceptance of up to \$190,000 in reimbursement funding for the FY 2006-07 Financial and Operating Plan. The reimbursement period is October 1, 2006 through September 30, 2007. Intergovernmental agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. (C5006514203)

**ADMINISTRATIVE CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the amendments agenda item C5007005M00, approved on September 6, 2006, authorizing one-time additions to fleet of two red-lined motorcycles. The PM numbers for the Kawasaki motorcycles being replaced and sold at auction are 1901 and 1902. Approval of this item amends the action to cite the correct corresponding PM numbers of Kawasaki motorcycles being replaced to ensure accurate asset tracking. (C5007005M01) (ADM3104)

**VEHICLE EXEMPTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of undercover non-governmental license plate including exemptions from markings, per A.R.S. §38-538.03, for a replacement special assignment unit vehicle in the county fleet. The vehicle will be used to conduct undercover work for the Special Assignment Unit of the Sheriff's Office which is more easily accomplished without noticeable law enforcement insignia. (C5007027M00) (ADM3104V)

**JAIL MANAGEMENT SYSTEM**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to transfer FY 2006-07 expenditure appropriation in the amount of \$901,080 from Appropriated Fund Balance (480) Detention Fund (Fund 255) General Contingency (4811) to a new line in Appropriated Fund Balance (480) Detention Fund (Fund 255) Other Programs (4812) entitled "Sheriff JMS Migration." Approval of this action will fund hardware, software, technical staff and professional services to begin migrating the Jail Management System to a new platform. (C5007031800) (ADM3900-003)

**OVERTIME EXPENSES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between the Maricopa County Sheriff's Office and the El Mirage Police Department, to reimburse \$11,000 in overtime expenses for the Officer assigned to the High Intensity Drug Trafficking Area, Maricopa County Meth Task Force. The term of this agreement is October 1, 2006 through September 30, 2007. (C5007528200)

Also approve the Task Force Agreement between the U.S. Department of Justice, Drug Enforcement Administration and the Maricopa County Sheriff's Office for acceptance of up to \$40,000 in overtime reimbursement funding. The term of this agreement is the date of signature through September 30, 2007, and is renewable yearly. Intergovernmental revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. (C5007529200)

**FORMAL SESSION**  
**October 18, 2006**

**PRE-BOOKING PROCESS ENHANCEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of \$39,489.00 in grant funds from the U.S. Department of Justice, Community Oriented Policy Services (COPS), Technology Initiative Grant Program. The term of this award is November 22, 2005 through November 21, 2008. The Sheriff's Office FY 2006-07 indirect cost rate is 17.8%. The unrecoverable indirect costs are estimated to be \$7,029.04. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of these revenues is not prohibited by the law. Acceptance of this grant will allow the Sheriff's Office to enhance the Pre-Booking process to enable the deputies in the field to enter prisoner demographics, arrest charges and other related booking information prior to their physical arrival. Upon arrival, prisoner turnover is expedited given that this information has already been collected. (C5007532300)

**EXEMPTION FROM MARKINGS AND NON-GOVERNMENTAL LICENSE PLATES**

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the exemption from markings and the use of non-governmental license plates for one 2007 Ford Crown Victoria vehicle: # 2FAFP73V27X105887. This new vehicle replaces a vehicle previously transferred to the Detention Transportation fleet in the previous fiscal year. Agenda C2707002M00, approved by the Board of Supervisors on September 6, 2006 authorized the addition of one new vehicle to the county fleet for the Chief Juvenile Probation Officer. It is safer for the Chief Juvenile Probation Officer and the community when this vehicle is not easy to identify. (C2707005M00) (ADM3104V)

**TERMINATION OF LEASE FOR JUSTICE COURTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following lease terminations:

- a. Termination of Lease No. L7315 with EJM Kyrene LLC, for the West Tempe Justice Court located at 8240 S. Kyrene Road, Tempe, Arizona. The current lease provides for an early termination option with 360 days written notice to the landlord with a termination date of May 31, 2008. The relocation to the new Justice Court will be effective on or about March 30, 2007. This approval will authorize formal early termination of the lease. The applicable rent payments and penalties for early termination of this lease are not to exceed \$725,000. (C24020044YY)
- b. Termination of Lease No. L7016 with A. Redmond and Mary Anne Doms, d.b.a. Citrus Plaza Partners, for the Chandler Justice Court located at 2051 W. Warner Road, Chandler, Arizona. The current lease provides for an early termination option with 90 day written notice to the landlord. The termination will be effective on or about March 30, 2007. This approval will formally exercise the termination option. (C24030104YY)
- c. Termination of Lease No. L7014 with Vergoz Properties, formerly Town Lakes Enterprises, LLC., for the East Tempe Justice Court located at 1845 E. Broadway, Tempe, Arizona. The current lease provides for an early termination option with 90 days written notice to the landlord. The tenant will pay unamortized tenant improvements cost

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

of \$21,000. The termination will be effective on or about March 30, 2007. This approval will formally exercise the termination option. (C24990034YY)

**PURCHASE OF CTS BACKBONE PRODUCTION PRINTERS**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of one-time expenditure authority in the amount of \$500,000 (\$0 annualized) from General Government (470) General Government Grants Fund (249) Expenditure Authority Reserve (4711) to the Trial Courts (800) Special Revenue Fund (259). Approval of this action allows the Courts to purchase two CTS backbone production printers as one-time expense items from existing fund balance. (C3807005800) (ADM1100-002)

**PAUL COVERDELL FORENSIC SCIENCE FORMULA GRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Office of the Medical Examiner to apply for and accept grant funding of \$10,920 from the Paul Coverdell Forensic Science Formula Grants Program (Part A) administered locally by the Arizona Criminal Justice Commission. Approval of this action will authorize the Chairman to sign all applications, contracts, intergovernmental agreements and any subsequent administrative amendments related to this grant. The department will recover 0% of available indirect charges. The current approved indirect rate for the Office of the Medical Examiner is 28.36%. Recoverable indirect costs are estimated to be \$0. Unrecoverable indirect costs are estimated to be \$3,097. This is a cost reimbursement grant.

Also approve revenue and expenditure appropriation adjustments to Medical Examiner (290) and Medical Examiner Grant Fund (224) associated with the aforementioned grant in an amount not-to-exceed \$10,920. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these funds are not prohibited by the budget law. This appropriation adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant period is October 1, 2006 through September 30, 2007. (C2907001300)

**ARIZONA ARRESTEE REPORTING INFORMATION NETWORK PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement (IGA) in the amount of \$137,500 with the Arizona Board of Regents for and on behalf of Arizona State University for the implementation of AARIN (Arizona Arrestee Reporting Information Network). The effective date of this IGA is November 1, 2006 through June 30, 2007. This agreement may be renewed, by written mutual agreement, for additional one-year periods, unless either party gives 30 days written notice to the other for termination. Pursuant to A.R.S. §42-17106, transfer FY 2006-07 expenditure appropriation in the amount of \$137,500 from General Government (470) General Fund (Fund 100) General Contingency Justice Reserve (4711) to a new line in General Government (470) General Fund (Fund 100) Other Programs (4712) entitled "AARIN (Arizona Arrestee Reporting Information Network) Program". Approval of this action will allow the Arizona State University Center for Violence Prevention and Community Safety to gather data from inmates during booking, providing the Maricopa County Criminal Justice System with crucial information for decision making. (C2007015000)

**EXTENDED USE OF VIDEO PRODUCTION STUDIO**

Item: Amendment No. 1 to the intergovernmental agreement (IGA) between Maricopa County and the City of Phoenix, extend the use of the city's video production studio, located at 140 N. Third Avenue, Phoenix, Arizona, and all of the equipment contained therein. The extension period is through June 30, 2007. The studio will be used to produce county video programs. The Office of Communications produces monthly video shows that highlight county services and programs. These videos are then broadcast on local government Channel 11 through Maricopa County and are also available for broadcasting in other venues. The use of the city's production studio allows production of higher quality programs. The purpose of these programs is to inform and educate the public about county services. These programs are aligned with the Board of Supervisors' priorities to improve the county's public image based on results achieved. Change the IGA # from C2005014200 to the new # C2007016200. (C2007016200)

Supervisor Wilcox suggested extending the use of the studio to evening hours for additional flexibility and an inquiry will be made.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this amendment.

#### **SELF-INSURANCE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a change to the county's funding policy and strategy for medical, behavioral health and vision from fully-insured to self-insured effective July 1, 2007. A.R.S. §11-981 permits counties to establish a self-insurance program to provide employee health benefits. The Employee Health Initiatives Department of Maricopa County will manage the operation and will oversee all contracted services to ensure the services delivered to Maricopa County employees and their families will meet or exceed the satisfaction scores as computed through the surveys administered by Research and Reporting. Benefit designs and cost/budgetary details will be submitted for Board of Supervisors approval on a separate action item.

By becoming self-insured, Maricopa County can design and control benefit plans to best fit the employee needs and county budgetary requirements while eliminating certain insurance company charges and costs. Benefits of switching to self-insurance include:

- o **Reduced Premium Tax** - There is no premium tax (usually 2-3% of monthly insurance premiums) for the self-insured claim fund.
- o **Control of Plan Designs** - The employer has the flexibility in determining the plan design that will meet the needs of their employees.
- o **Lower Cost of Operation** - Risk charges, contingency reserves and higher retention charges that insurance companies apply to fully-insured customers are eliminated.
- o **Expenses** – The expenses associated with a self-funded plan are based on the claims histories of the organization's employees and families, not based on any other employee population. There is no pooling with other employers.
- o **Enhanced performance standards** – The employer can develop specific performance standards for critical services delivered by the self-insured administrative vendors and collect penalties for poor performance or pay incentives for exemplary performance. This aligns the goals of the vendors with the county goals and improves the overall performance of the program.

In addition, the Employee Health Initiatives Department of Maricopa County has a current management team with self-insurance expertise to provide the management and oversight of the operations and all

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION****October 18, 2006**

contracted vendors. Frequent meetings will be scheduled with County Administration to report program and financial progress/outcomes. Annually, a financial audit will be performed by an outside auditor and the results will be shared with the Board of Supervisors and County Administration. This will help ensure that the program is operating on a financially sound basis. Each year, the performance of the self-insured plans will be evaluated to ensure that the decision of self-insure is in the best interest of the county. The results of the annual evaluation will be provided to the Board of Supervisors, with a recommendation to either continue self-insuring the program or to return to fully-insuring the program. Next steps include seeking approval from the Board of Supervisors that will include benefit designs, rate structure, reserve analysis, cost detail (staffing, etc.) , and overall impact to the General Fund. The estimated target date for this action item is late October or early November of 2006. (C3507003600) (ADM3350)

**CONSULTING SERVICES FOR PEOPLESOFT PROGRAMMING**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer and expenditure not-to-exceed \$200,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency - Technology Reserve (4811), to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled PeopleSoft Programming. These funds will be used to pay for consulting services required to change functionality in PeopleSoft to support administering benefits on a fiscal year basis. This cost will exceed the amount available in the Employee Health Initiatives budget. (C3507007800) (ADM3350-003)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

**NUTRITION/LOCAL INCENTIVE AWARD**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve Amendment No. 6 to the intergovernmental agreement (IGA) titled Nutrition/Local Incentive Award, from Arizona Department of Health Services (ADHS) to Maricopa County Department of Public Health (MCDPH). The ADHS IGA number is HG361088. This grant was previously approved on the 2006 Letter of Intent C86060433LI, in the amount of \$180,000. This amendment increases this amount by \$64,492. The contract term is extended from October 1, 2006 to September 30, 2007. MCDPH's indirect rate is 18.1% and the grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$9,884, of which all are fully recoverable.

Also approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$64,492. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8603053206)

**LEARNING EXPERIENCES**

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an affiliation agreement with Everest College Nursing Program to allow students from the Nursing Program (and other students, if preceptors are available) to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial and the term is from October 1, 2006 and valid through June 30, 2011. (C8607021000)

**SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following:

- a. An intergovernmental agreement with the Deer Valley Unified School District to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. The term of the agreement is retroactive from July 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$19,500. (C8607418200)
- b. Amendment No.1 to agreement C86074272, an intergovernmental agreement with the Wickenburg Unified School District, to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. The amendment will increase the amount of the agreement by \$2,000 from \$1,500 to not-to-exceed \$3,500. The term of the agreement is retroactive from July 1, 2006 through May 1, 2007. The original agreement was approved on July 26, 2006 under C86074532LI. (C8607427201)

**EMERGENCY SHELTER OPERATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to the Annual Action Plan for FY 2006-07 Community Development Block Grant (CDBG) funds and the execution of an agreement with Central Arizona Shelter Services (CASS) for emergency shelter operations. No County General Funds will be involved in this action. The Annual Action Plan identifies the specific goals and activities that will be carried out in year two of the FY 2005-09 Five-Year Consolidated Plan. On Wednesday, September 13, 2006, the Community Development Advisory Committee unanimously recommended \$95,220 from unallocated CDBG funds be awarded to CASS for shelter operations. CASS has taken steps to increase the services available to serve the needs of homeless individuals during heat crises which, in turn, have created a financial shortfall. As a result, additional funding is needed to cover expenses related to utilities and staffing at CASS. CASS provides emergency shelter to 5,000 unduplicated homeless men, women, and children; including an estimated 1,500 who have reported living in the urban county communities. (C1707001001)

**AMENDMENT TO IGA WITH EAST VALLEY INSTITUTE OF TECHNOLOGY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 7 to the financial intergovernmental agreement between East Valley Institute of Technology (EVIT) and Maricopa County's Human Services Department (HSD). This amendment will extend the term of the agreement from July 1, 2006 through June 30, 2007, and add an Appendix A that outlines the facility space provided to HSD. EVIT provides HSD with facilities to operate three Head Start and Early Head Start classrooms and a playground. EVIT is located at 1601 W. Main Street, Mesa, Arizona. (C2202064207)



**FORMAL SESSION**  
**October 18, 2006**

**OPERATION OF LOW-INCOME HOME WEATHERIZATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 6 with the Foundation for Senior Adult Living, Inc., (FSAL), a non-profit organization, to increase funding by \$485,325. The total contract amount will increase from \$669,311 to \$1,154,636 for the operation of the low-income home weatherization and repair and/or replacement of utility related appliances and heating/cooling systems. Program funding resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, the Arizona Department of Commerce/Energy Office and the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There are no County General Funds involved in this contract. The period of performance for this amendment represents an increase in several fund sources from Arizona Department of Commerce/Energy office and Arizona Public Service. The additional funding will provide repair and/or replacement to 100 additional low-income households living in Maricopa County. The period of performance for this amendment is July 1, 2006 to June 30, 2007. (C2205085106)

**SPECIAL TRANSPORTATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the contract with the Town of Youngtown to provide funding for the Maricopa County Human Services Department Special Transportation Services Program. Funding in the amount of \$6,000 will be used to provide transportation services to qualified residents. The period of performance under this contract is from August 21, 2006 through June 30, 2007. There are no county funds included in this contract. All overhead/indirect costs are allowable and the FY 2006-07 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form provides detail on indirect cost recovery. The funding requested will not exceed \$6,000 in total. The department's authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$850. (C2207045200)

**SUMMER YOUTH EMPLOYMENT AND TRAINING**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Human Service Department Workforce Development Division to accept funding from the Arizona State Department of Economic Security in the amount of \$175,000. The Arizona State Legislature approved HB 2870 on June 17, 2006, and the Governor of Arizona signed the bill on June 21, 2006. Section 19 of the bill appropriated summer youth education and training funds from the State General Fund in FY 2006-07 to the Department of Economic Security for summer youth employment and training pursuant to A.R.S. §11-1042. The term of the contract is from July 1, 2006 through June 30, 2007. All overhead/indirect costs are allowable. In preparing this request, the department used a rate of 16.5% rate for computation purposes. The estimated 2007 indirect costs are \$24,785 Attachment A - Grant Agenda Indirect Cost Calculation Form provides detail on indirect cost recovery. This contract does not contain any county general funds. (C2207097300)

**ESTRELLA TURF IRRIGATION SYSTEM**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer and expenditure authority of \$6,000 from the General Fund Capital Improvement Fund (Dept 480, Fund 445) Estrella Campground Design Project (ESCD), to same fund (Dept 480, Fund 445) Estrella Mountain Regional Park Turf Irrigation System



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

(EMIS). The Estrella Mountain Regional Park Turf Irrigation System scope of work includes refurbishing 60 acres of irrigation system. After the construction contract was awarded it was determined that the steel on the irrigation vault that the irrigation pumps sat on was structurally unstable. The funds requested will be used to pay for the change order. (C3007010800)

**FUND TRANSFERS; WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**RETENTION OF DORSEY CROSSING PROPERTY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to amend previous Board action C1804036B00 approved on May 5, 2004, to delete the referenced Parcel number 1, from the excess property inventory. The property known as Dorsey Crossing located southwest of Broadway Road and Dorsey Lane consists of approximately 5.5 acres and will be retained for county purposes. (ADM812)

Pursuant to A.R.S. §42-17106(B), also authorize the following amendments to the FY 2006-07 Budget in the Five-Year Capital Improvement Plan:

- Fund transfer in the amount of \$1,600,000 from Appropriated Fund Balance Reserved Contingency Items "Property Acquisition" line (Fund 100, Dept. 480, Org 4811) to a new line item in Appropriated Fund Balance Infrastructure/CIP (Fund 100, Dept. 480, Org 4813) entitled "San Tan Justice Courts"; then transfer these funds to Appropriated Fund Balance General Fund Improvement Fund (Fund 445, Dept. 480, Org 4813) San Tan Justice Courts (Function Class CHJC). Also approve offsetting revenue and expenditure adjustments to Eliminations (Fund 900, Dept. 980).
- Increase the revenue and expenditure budgets of the San Tan Justice Courts project in Year 1 (FY 2006-07) in the General Fund Improvement Fund (445) by \$1,600,000.
- Transfer expenditure authority from Appropriated Fund Balance Intergovernmental Capital Projects (Dept. 480, Fund 422) to General Government Grant Fund (Dept. 470, Fund 249). This will require an appropriation adjustment decreasing the expenditure budget of the San Tan Justice Courts project in Year 1 (FY 2006-07) in the Intergovernmental Capital Projects Fund 422 by \$1,600,000 and an appropriation adjustment increasing the expenditure budget of General Government Grant Fund (Dept. 470, Fund 249). This item was discussed in Executive Session on September 18, 2006. (C1804036B01) (ADM800-003)

**TRANSFER AND CONVEYANCES OF SPECIFIC REAL PROPERTIES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

transfer and conveyances of specific real properties, designated as flood control drainage channels in subdivision plats located in the east valley (referred to by the Flood Control District of Maricopa County as The East Mesa Drains), to the Flood Control District of Maricopa County and authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to complete the transfer and conveyance (Flood Control District agenda item control number C6907022B00) (C1807006000) (ADM2005)

**AMENDMENT WITH HUMAN SERVICES CAMPUS LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and execute a second amendment to the lease-purchase agreement between the county and the Human Services Campus LLC., and authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete this second amendment. The original lease-purchase agreement was approved by the Board on January 18, 2006 (C1806030400) and amended on April 19, 2006 (C1806041000). The second amendment will clarify the intended use and restrictions for the Human Services Campus. (C1807007000)

**AUTHORIZING ACQUISITION OF REAL PROPERTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the acquisition of real property and improvements for the property described as: Lots 2, 4, 6, 8, 9, 10, 11, 12, Block 59, and Lot I, Block 54, THE ORIGINAL TOWNSITE OF PHOENIX, according to Book 2 of Maps, Page 51 records of Maricopa County, Arizona, and Lot 1, WISOTSKY FAMILY TRUST, according to Book 550 of Maps, Page 47, records of Maricopa County, Arizona, and authorize the Chairman of the Board to execute all necessary documents approved by County Counsel to complete the acquisition of the property. This item was discussed in Executive Session on October 2, 2006. (C1807008B00) (ADM811)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Award:**

- 06082-C Helicopter/Aircraft Parts, Accessories & Repair Service** (\$500,000 estimate/three years with three one-year renewal options) Price agreement to purchase helicopter/aircraft parts, accessories and repair service for use by the Sheriff's Office.
- o Aero Products Component Service
  - o Aeromaritime America, Inc.
  - o Heliponents, Inc.

**Renewals/Extensions:**

**The renewal/extension of the following contract:** (Recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

**Until December 31, 2009**

- 03062-S Boiler Maintenance, Repair and Replacement Services** (\$4,500,000 estimate/three years) Price agreement renewal for boiler repairs and replacement services as required at various county facilities.
- o Arizona Boiler Company, Inc.
  - o Brooks Mechanical Systems Services
  - o Emerson Boiler

**SETTLEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following settlements:

- a. A settlement in Shannon Sintic, et al. v. Maricopa County, CV04-1811-PHX-RGS, in the amount of \$575,000. This item was discussed in Executive Session on October 2, 2006. (C7507010100) (ADM409)
- b. Authorize the acceptance of settlement from American International Group, Inc. ("AIG") and ACE Group Holdings, Inc., in the amounts of \$184,985.23 and \$51,398.65, respectively, for a total settlement amount of \$236,383.88 and a release from any and all claims. This item is scheduled to be discussed in Executive Session on October 16, 2006. (C7507011M00) (ADM409)

**LEASE SPACE AND PURCHASE RADIO PROGRAMMING AND REPAIR SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) with the City of El Mirage and execute documents to lease space on the Maricopa County SmartZone infrastructure system and purchase radio programming and repair services from Telecommunications Wireless Systems Division. This intergovernmental agreement is for two years with an automatic one year renewals, unless terminated. Approximate start date for this IGA is October 18, 2006.

Pursuant to A.R.S. §42-17106(B), also authorize the approval of an increase in budgeted revenue (Fund 681, Department 410) for FY 2006-07 in the amount \$5,545 for this service. (C4107002200)

**PEOPLESOFT 8.8 STABILIZATION**

Pursuant to A.R.S. § 42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Office of Management and Budget to transfer \$994,100 from Appropriated Fund Balance (480) General Fund (100) Reserved Items (4811) line item "Technology Reserve" to a newly created line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4824) entitled "PeopleSoft 8.8 Stabilization". Approval of this action will allow the application of three years of outstanding service and maintenance packs to bring PeopleSoft HR current and supportable, re-apply customizations, and training to use the Mercury testing suite. Also, Pursuant to A.R.S. Section 42-17106(b), approve a transfer of expenditure authority from General Government (470) General Fund (100) General Government contingency (4711) to Office of Enterprise

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

Technology (410) General Fund (100) in the amount of \$39,000. This action will fund increased costs for maintenance charges on the on-line training software. This action requires an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Fund contingency (4711) expenditure budget by \$39,000 and increasing the FY 2006-07 Office of the Enterprise Technology (410) General Fund (100) expenditure budget by \$39,000. These adjustments will result in a net impact of zero to the County budget. (C4107003800) (ADM2700-003)

**MEDIA CAMPAIGN REGARDING DUST ISSUES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt resolution AQD01-06 (below) directing and authorizing the Air Quality Department to conduct a public outreach campaign to increase public awareness regarding air pollution; and to provide air pollution prevention tips for the general public's use subject to ratification and approval of the Board of Supervisors.

Pursuant to A.R.S. §42-17106(B), also approve the transfer of expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and the Air Quality Department Fund (Department 850, Fund 504). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund by \$1,025,000 and increasing the FY 2006-07 Air Quality Fund (504) by \$1,025,000. These adjustments will result in a county-wide net financial impact of zero and will allow the Air Quality Department to pay the public relations services contractor Godec, Randall & Associates (Serial 04180-RFP), for a media campaign that will focus on dust issues in Maricopa County. This action will authorize the use of the Air Quality Fund Balance to pay for these one-time expenditures. (C8507005100) (ADM2375-003)

Comments were made by Supervisors on the importance of this campaign to reduce dust in the County. Supervisor Wilcox asked that the school education portion of the campaign be raised to the first phase, saying that children carry messages home to their parents. She asked for continuing updates on the campaign and was joined in this by the Chairman who wants updates and also the ability to give input as the campaign continues.

**RESOLUTION**  
**FY06/07 AIR QUALITY PUBLIC OUTREACH CAMPAIGN**  
**#AQD01-06**

**WHEREAS**, Maricopa County will not reach attainment of the federal Clean Air Act standards for particulate matter by the end of 2006; and

**WHEREAS**, the Maricopa County Board of Supervisors have recognized the need for public education and involvement on this issue by approving funding for a \$1,025,000.00 air quality public outreach campaign;

**NOW, THEREFORE, BE IT RESOLVED** that the Maricopa County Air Quality Department will conduct a public outreach campaign to increase public awareness regarding air pollution as well as provide air pollution prevention tips for the general public's use.

**DATED** this 18th day of October 2006. (C8507010100)  
/S/ Don Stapley, Chairman of the Board  
**ATTEST:**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

/s/ Fran McCarroll, Clerk of the Board

**INCREASED STAFF, SUPPLIES AND VEHICLE FLEET**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Environmental Services Department Fund (Department 880, Fund 506). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund by \$2,381,139 and increasing the FY 2006-07 Environmental Services Fund (506) by \$2,381,139. These adjustments will result in a countywide net financial impact of zero and will allow the Environmental Services Department to increase their service levels to meet the demand for engineering reviews and health inspections associated with enforcement of the Maricopa County Health Code. The Environmental Services department recently had fee revisions to the Environmental Health Code approved in order to recover costs for services as required by County Policy and allowed by State statute. Approval of this action will fund 45.0 FTEs, associated supplies, services and capital. (ADM2350-001)

Also approve an increase to the Environmental Services vehicle fleet of 34 vehicles at a total cost of \$555,600. The composition is 18 sub-compact cars and 16 extended cab two wheel drive pick-ups to be used by Environmental Service inspectors for conducting site visits and inspections. (C8807001800) (ADM3104)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- |                                      |  |
|--------------------------------------|--|
| A339.003,<br>A339.004, &<br>A339.005 | Project No.: TE198 - Litchfield and Peoria - Limited Grant of Avigation Easement - Parcel No.: 501-43-013B, 501-43-023, 012B, and 501-42-024 - City of Phoenix, a municipal corporation of the State of Arizona - for the sum of \$1.00. |
| A339.003,<br>A339.004, &<br>A339.005 | Project No.: TE198 - Litchfield and Peoria - Purchase Agreement - Parcel No.: 501-43-013B, 501-43-023, 012B, and 501-42-024 - City of Phoenix, a municipal corporation of the State of Arizona, for the sum of \$1,202.00.               |
| A342.002-1<br>(DLK)                  | Project No.: TT225 - Hawes Road and Hunt Highway - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 304-91-594A - Jacob A. and Jennifer K. Duffany - for the sum of \$100.00.                            |
| A342.002-2<br>(DLK)                  | Project No.: TT225 - Hawes Road and Hunt Highway - Drainage Easement - Parcel No.: 304-91-594A - Jacob A. and Jennifer K. Duffany - for the sum of \$2,528.00.   |
| A342.002-2<br>(DLK)                  | Project No.: TT225 - Hawes Road and Hunt Highway - Purchase Agreement and Escrow Instructions - Parcel No.: 304-91-594A - Jacob A. and Jennifer K. Duffany.  |
| DD-10657<br>(GTL)                    | Project No.: TT011 - R/W Dedication (Germann Road at 88th Street) - Warranty Deed - Parcel No.: 304-62-007W - A L C Builders Inc., an Arizona Corporation - for the sum of \$10.00.  |

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

DD-10657      Project No.: TT011 - R/W Dedication (Germann Road at 88th Street) - Purchase  
(GTL)      Agreement and Escrow Instructions - Parcel No.: 304-62-007W - A L C Builders Inc., an  
                 Arizona Corporation.

**CHANGE ORDER FOR ON-CALL ENGINEERING DESIGN SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 1 to Contract No. 2004-89 with Stantec Consulting, Inc. for On-Call Engineering Design Services, which will extend the contract performance period through December 29, 2006; the contract amount will not be increased. Contract No. 2004-89 was approved on August 18, 2004 C64050195, and expired on August 27, 2006. However, the initial work is still in progress and payment requests have been received since the expiration date. This change order shall extend the contract period through December 29, 2006, to complete work in progress and to ensure appropriate payment to the consultant for services rendered. This change order exceeds the time limit of two years that was established in the Procurement Code at the time of this contract award. Therefore, the Board must approve this change order. (C6405019501)

**CHANGE ORDER WITH PARSONS BRINKERHOFF QUADE AND DOUGLAS, INC.**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 2 to Contract CY2005-075 with Parsons Brinkerhoff Quade and Douglas, Inc., in the amount not-to-exceed \$57,451.59 for MCDOT Project T186, Indian School Road: Litchfield Road to Dysart Road. This change order shall authorize additional utility designation. During the course of the utility designating for this project, additional existing underground utilities were encountered that were not anticipated at the start of the project. The services under this contract were procured in accordance with Section 3, Selection and Award of Consultant Contracts under \$500,000; for all other professional services, of the Article 5 Procedures Manual. This change order exceeds the \$500,000 limit for a register selection contract; therefore, the Board must approve this change order. (C6406131501)

**TRAFFIC CONTROL CHANGES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following traffic controls changes.

- a.      **Broadway Road from 51st Avenue to 91st Avenue** – A 45 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This rescinds the 50 MPH speed limit zone dated December 5, 1988, and partially rescinds the 50 MPH speed limit zone dated December 31, 1973. (C6407080000) (F23193)
- b.      **Lower Buckeye Road and Jackrabbit Trail** – A Four Way Stop (from a two-way east/west stop). This partially rescinds the Through Street Resolution on Jackrabbit Trail dated July 16, 1963. (C6407082000) (F23193)
- c.      **Yuma Road and Citrus Road** – A Four Way Stop (from a two-way north/south stop). This partially rescinds the Through Street Resolution on Yuma Road dated October 25, 1937. (C6407083000) (F23193)



**FORMAL SESSION**  
**October 18, 2006**

**NEW TRAFFIC CONTROL CHANGES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following new traffic controls.

- a. **88th Street from 100 Feet North of Apache Trail to 100 Feet South of University Drive** – All Traffic to stop before entering or crossing a Through Street. (C6407081000) (F23193)
- b. **Southern Avenue 10 Feet east of 97th Street** – A Designated School Crossing for Imagine Schools of Mesa Charter Elementary School. (C6407084000) (F23193)
- c. **Southern Avenue from 96th Street to Crismon Road** – A 40 MPH Speed Limit Zone (from a 50 MPH Speed Limit Zone). This partially rescinds the 50 MPH speed limit zone dated January 8, 1990. (C6407084000) (F23193)
- d. **67th Avenue from Pinnacle Peak Road North to Calle Lejos (West Side Only)** – A NO STOPPING, STANDING, PARKING ANYTIME ZONE. (C6407090000) (F23193)
- e. **El Mirage Road from 1/4 mile North of Indian School Road to 1/4 mile North of Bethany Home Road (East Side Only)** – A NO STOPPING, STANDING, PARKING ANYTIME ZONE. (C6407091000) (F23193)

**ANNEXATION BY CITY OF PHOENIX - CONTINUED**

Item: Approve the annexation by the City of Phoenix of County right-of-way within 19th Avenue, from Jomax Road to Desert Hollow Drive and from Charlotte Drive to Alameda Road, in accordance with Ordinance No. G-4798. (C6407086000) (ADM4213)

Motion was made by Supervisor Brock and seconded by Supervisor Kunasek to approve this matter.

In giving his second, Supervisor Kunasek asked MCDOT and the County Attorney to look into annexations of rights-of-way going forward, when annexations include rights-of-way the County has purchased, to find out if there is a way to retain an interest in such things as cable franchise fees.

Terry Eckhardt, Deputy County Attorney, said, "It would foreclose us on this particular piece of property, it will not foreclose us in the future if it is decided to do that." The Chairman asked that this be researched and brought back to the Board/

Motion was amended by Supervisor Brock, and Supervisor Kunasek concurred as second, to continue this matter to the October 25, 2006, meeting to reconsider after receiving additional legal advice. The motion unanimously carried (5-0) as amended.

**CORRIDOR IMPROVEMENT STUDY**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and Pinal County for a Corridor Improvement Study for Elliot Road from Power Road to the Central Arizona Project Canal. Maricopa County will act as the lead agency for this project, with Pinal County contributing \$45,000 to the



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

study. Maricopa County will invoice Pinal County once the IGA has been approved by the Maricopa County Board of Supervisors. (C6407085200)

**DECLARE EXCESS LAND**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the declaration of approximately 0.15 acre as excess land. Property is a remnant where 71st Avenue dead ends at the Arizona Canal, and has been determined by Maricopa County staff as excess. This parcel is situated at 71st Avenue and 71st Drive, south of Greenway Road and will be sold to the highest bidder at public auction per A.R.S. §11-251. (C6407087000) (ADM2005)

**AMENDMENT TO FIVE-YEAR CIP**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an amendment to the current FY 2006-07 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by decreasing the FY 2006-07 capital budget for the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T028	PM10 Program	\$600,000
T070	Alma School Road: McLellan-McKellips	\$500,000
T143	Power Road: Elliott – Guadalupe	\$445,000
T144	Val Vista: Thomas – Southern Canal	\$400,000
T171	MC 85 Extension: SR 85 – Turner Road	\$425,000

And, adjusting the following projects by increasing the FY 2006-07 (Year 1) capital budget for each of the following projects:

<b>Project Number</b>	<b>Name</b>	<b>Capital Budget</b>
T039	PM10: Box Bar – Needle Rock	\$35,000
T103	El Mirage: Bell – Beardsley	\$635,000
T104	El Mirage: Beardsley – Loop 303	\$600,000
T113	MC85: 91st Avenue – 75th Avenue	\$575,000
T114	Chandler Heights Road at Sonoqui Wash	\$75,000
T124	Pinnacle Peak Road: Lake Pleasant	\$240,000
T154	Bell Road: SR303L – Grand Ave (ITS)	\$80,000
T181	Beardsley Road Bridge at Agua Fria	\$80,000
T185	Dynamite Road: Cave Creek – 56th Street	\$50,000

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6407095800) (ADM2000-003)

**APPOINTMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following appointments:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- a. Jean McGrath as a citizen member to the following boards:
- o Attorney Investigator's Public Safety Personnel Retirement Plan Local Board (ADM420-001)
  - o Parks and Recreation Park Police Public Safety Personnel Retirement Plan Local Board (ADM3904-001)
  - o Sheriff's Public Safety Personnel Retirement Plan Local Board (ADM3246-001)
  - o Corrections Officer Retirement Plan Local Board (ADM3332-001)

Ms. McGrath was recently elected Chair of the Merit System Commission and will fill the unexpired terms effective the date of Board approval through December 31, 2009. (C0607025900) (ADM3315-001)

- b. Mary Rose Wilcox as the Board's representative to Maricopa County's Head Start Zero-Five Policy Council. This representative serves a one-year term, from September 30, 2006 through September 30, 2007. (C2207099M00) (ADM2502-001)

**PUBLIC HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for November 15, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2005089; Z2006008; DMP 2006001

**ASRS CLAIMS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

<b>Employee Last Name</b>	<b>Employee First name</b>	<b>MC/Employer Payment Amount Approved</b>	<b>Recosted Amount Approved</b>	<b>Difference</b>
Mitchell	Rachel	\$275.68		
Walton	Kay		\$45,128.09	-\$10,042.65

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting.

**CLASSIFICATION CHANGES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
101-54-026	2006	Joe Mendoza	LC/4	LC/3
102-74-274a	2006	Caryn Reynolds	LC/4	LC/3
111-24-109	2006	Mary Palma	Lc/4/3	LC/3
116-31-122	2006	Maria Valenzuela	LC/4	LC/3
117-29-159	2006	Daniel Darche	LC/4	LC/3
117-31-093	2006	Amelia Giordano	LC/4	LC/3
118-23-037	2006	Troy Storm	LC/4	LC/3
118-56-066b	2006	Tracy Tepper	LC/3	LC/6.1
119-04-049	2006	Virginia Jones	LC/4	LC/3
119-05-020	2006	Mary Cowan	LC/4	LC/3
120-33-058d	2006	Donald Perry	LC/4	LC/3
121-08-044	2006	Mary Sullivan	LC/4	LC/3
123-22-168	2006	Jay Lehn	LC/4	LC/3
123-27-715	2006	Linda Wilson	LC/4	LC/3
123-43-170a	2006	Janalee Sweeten	LC/4	LC/3
123-44-063	2006	James Poage	LC/4	LC/3
123-46-102	2006	John Allen	LC/4	LC/3
123-46-112	2006	Donald Cooper	LC/4	LC/3
123-47-009	2006	Stephen Bower	LC/4	LC/3
124-34-167	2006	Virginia Dude	LC/4	LC/3
125-17-040a	2006	Kathleen Brown	LC/4	LC/3
125-24-014	2006	Manuel Atayde	LC/4	LC/3
128-45-119	2006	Judith Townsend	LC/4	LC/3
129-17-004	2006	Antonio Rojo	LC/4	LC/3
131-11-064	2006	Kenneth Gruenemeier	LC/4	LC/3
132-03-041	2006	Susan Freeman	LC/4	LC/3
132-09-036	2006	Catherine Koterba	LC/4	LC/3
132-63-238	2006	David Merrill	LC/4	LC/3
132-67-013a	2006	Jose Parra	LC/4	LC/3
132-70-007	2006	Pedro Castellon	LC/4	LC/3
133-09-011	2006	John Groseta	LC/4	LC/3
133-28-408	2006	Robert Tyler	LC/4	LC/3
133-28-448	2006	Caroline Kirkham	LC/4	LC/3
133-31-177	2006	Nasario Armijo	LC/4	LC/3
133-32-506	2006	Hu Kyon Marshall	LC/4	LC/3
133-33-303	2006	Timothy Ewald	LC/4	LC/3
133-34-150	2006	Edmund Gravel	LC/4	LC/3
133-34-565	2006	Dung Chi Quan	LC/4	LC/3
133-34-719	2006	Georgette Cumnard	LC/4	LC/3
133-35-379	2006	Cecilia Martin	LC/4	LC/3
133-37-293	2006	James Dahl	LC/4	LC/3
133-37-333	2006	Charles Buzzard	LC/4	LC/3
133-38-074	2006	Linda Stein	LC/4	LC/3
133-39-517	2006	Kaaren Manny	LC/4	LC/3
133-41-236	2006	Pat Thielen	LC/4	LC/3
133-41-274	2006	Yvonne Wilson	LC/4	LC/3
133-41-513	2006	Burel Carney	LC/4	LC/3

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
133-42-051	2006	Michael Malin	LC/4	LC/3
133-46-127	2006	Richard Fix	LC/4	LC/3
133-53-033	2006	Robin Nelson	LC/4	LC/3
133-56-120	2006	Roberta Potts	LC/4	LC/3
134-41-180	2006	Kenneth Fry	LC/4	LC/3
134-41-206	2006	Ermida Da Corte	LC/4	LC/3
135-40-009b	2006	Angelina Valles Perez	LC/4	LC/3
139-19-008a	2006	Nellie Giger	LC/4	LC/3
140-36-457a	2006	Shirley Ulrich	LC/4	LC/3
140-21-038a	2006	Lorraine Hughes	LC/4	LC/3
141-43-636	2006	Anne Day	LC/4	LC/3
142-62-306	2006	Mary Perkins	LC/4	LC/3
142-68-097	2006	Solen Seals	LC/4	LC/3
143-07-350	2006	Scott Dandrea	LC/4	LC/3
144-59-109	2006	Mauricio De La Cruz	LC/4	LC/3
146-08-006	2006	Frank Rodriguez	LC/4	LC/3
148-09-119	2006	Jerri Harris	LC/4	LC/3
148-14-007	2006	Wayne McDermid	LC/4	LC/3
153-10-010	2006	Viola Anderly	LC/4	LC/3
161-15-031	2006	James Rockwell	LC/4	LC/3
163-21-054	2006	Clayton Janson	LC/4	LC/3
167-27-743	2006	Katherine Elliott	LC/4	LC/3
173-32-335	2006	Janet Morris	LC/4	LC/3
176-17-560	2006	David Kettler	LC/4	LC/3
200-15-601	2006	Ronald Jones	LC/4	LC/3
200-93-310	2006	Margaret Riley	LC/4	LC/3
208-12-701	2006	Sharon McCabe	LC/4	LC/3
208-14-449	2006	Stanley Howell	LC/4	LC/3
209-09-097	2006	Chris Michalec	LC/4	LC/3
215-36-204	2006	Darla Brandon	LC/4	LC/3
216-72-613	2006	Chris Acker	LC/4	LC/3
218-35-516	2006	Dallege Harley	LC/4	LC/3
219-31-007p	2006	Janelle Winkler	LC/4	LC/3
230-09-227	2006	Richard Le Capelain	LC/4	LC/3
231-08-497	2006	Lidia Vittore	LC/4	LC/3
231-08-695	2006	Barry Garland	LC/4	LC/3
231-15-129	2006	Thomas Lane	LC/4	LC/3
232-04-187	2006	Kenneth Martin	LC/4	LC/3
301-01-218	2006	David Brooks	LC/4	LC/3
301-01-617	2006	Linda L Lee	LC/4	LC/3
301-01-716	2006	Marian Chvatal	LC/4	LC/3
301-02-334	2006	Virginia Lohrberg	LC/4	LC/3
301-02-513	2006	Kurt McLean	LC/4	LC/3
301-02-500	2006	David Geffen	LC/4	LC/3
301-05-084	2006	Susan Bojorquez	LC/4	LC/3
301-05-230	2006	Douglas Meyer	LC/4	LC/3
301-05-312	2006	Debra Miller	LC/4	LC/3
301-07-055	2006	Johnny Austin	LC/4	LC/3

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
301-47-524	2006	Lee Teacher	LC/4	LC/3
301-50-672	2006	Monica Utyro	LC/4	LC/3
301-50-729	2006	Shirley Bowers	LC/4	LC/3
301-61-364	2006	Allen McCullough	LC/4	LC/3
301-65-862	2006	Steven Ditter	LC/4	LC/3
301-77-217	2006	Warren Dewey	LC/4	LC/3
301-80-372	2006	Stacy Ruggiero aka Stacey Heath	LC/4	LC/3
301-81-194	2006	Daniel Boivin	LC/4	LC/3
301-91-058	2006	James Hardesty	LC/4	LC/3
301-91-064a	2006	Susan Robinson	LC/4	LC/3
301-91-877	2006	Michael Pizzi	LC/4	LC/3
301-92-973	2006	Dilanna Willstead	LC/4	LC/3
301-93-131	2006	Terry Evans	LC/4	LC/3
303-64-641	2006	Allan Zettler	LC/4	LC/3
303-66-669	2006	Gerry Kinsley	LC/4	LC/3
305-01-082	2006	Janet Morstain	LC/4	LC/3
308-01-276	2006	Marie Lamprecht	LC/4	LC/3
308-07-090	2006	Susan May	LC/4	LC/3
400-52-140	2006	Victoria Mansanares	LC/4	LC/3
502-24-049a	2006	Deidre St Romain	LC/4	Lc/3/4
504-12-017p	2006	Gilberto Salazar	LC/4	LC/3
507-04-427	2006	Franklin Walton	LC/4	LC/3
111-24-109	2005	Mary Palma	LC/4/3	LC/3
119-05-020	2005	Mary Cowan	LC/4	LC/3
121-08-044	2005	Mary Sullivan	LC/4	LC/3
128-45-119	2005	Judith Townsend	LC/4	LC/3
129-17-004	2005	Antonio Rojo	LC/4	LC/3
132-67-013a	2005	Jose Parra	LC/4	LC/3
133-09-011	2005	John Groseta	LC/4	LC/3
133-37-293	2005	James Dahl	LC/4	LC/3
133-46-127	2005	Richard Fix	LC/4	LC/3
139-19-008a	2005	Nellie Giger	LC/4	LC/3
140-36-457a	2005	Shirley Ulrich	LC/4	LC/3
142-68-097	2005	Solen Seals	LC/4	LC/3
144-59-109	2005	Mauricio De La Cruz	LC/4	LC/3
148-09-119	2005	Jerri Harris	LC/4	LC/3
148-14-007	2005	Wayne Mc Dermed	LC/4	LC/3
200-15-601	2005	Ronald Jones	LC/4	LC/3
200-93-310	2005	Margaret Riley	LC/4	LC/3
208-12-701	2005	Sharon McCabe	LC/4	LC/3
218-35-516	2005	Dallege Harley	LC/4	LC/3
231-08-695	2005	Barry Garland	LC/4	LC4/3
301-05-084	2005	Susan Bojorquez	LC/4	LC/3
303-66-669	2005	Gerry Kinsley	LC/4	LC/3
504-12-017p	2005	Gilberto Salazar	LC/4	LC/3
111-24-109	2004	Mary Palma	LC/4/3	LC/3
119-05-020	2004	Mary Cowan	LC/4	LC/3
121-08-044	2004	Mary Sullivan	LC/4	LC/3

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**October 18, 2006**

PARCEL NO.	YEAR	OWNER	FROM	TO
128-45-119	2004	Judith Townsend	LC/4	LC/3
129-17-004	2004	Antonio Rojo	LC/4	LC/3
132-67-013a	2004	Jose Parra	LC/4	LC/3
133-09-011	2004	John Groseta	LC/4	LC/3
133-37-293	2004	James Dahl	LC/4	LC/3
133-46-127	2004	Richard Fix	LC/4	LC/3
139-19-008a	2004	Nellie Giger	LC/4	LC/3
140-36-457a	2004	Shirley Ulrich	LC/4	LC/3
142-68-097	2004	Solen Seals	LC/4	LC/3
144-59-109	2004	Mauricio De La Cruz	LC/4	LC/3
148-14-007	2004	Wayne McDermid	LC/4	LC/3
200-15-601	2004	Ronald Jones	LC/4	LC/3
200-93-310	2004	Margaret Riley	LC/4	LC/3
208-12-701	2004	Sharon McCabe	LC/4	LC/3
218-35-516	2004	Dallege Harley	LC/4	LC/4/3
301-05-084	2004	Susan Bojorquez	LC/4	LC/3
303-66-669	2004	Gerry Kinsley	LC/4	LC/3
504-12-017p	2004	Gilberto Salazar	LC/4	LC/3
111-24-109	2003	Mary Palma	LC4/3	LC/3
119-05-020	2003	Mary Cowan	LC/4	LC/3
121-08-044	2003	Mary Sullivan	LC/4	LC/3
128-45-119	2003	Judith Townsend	LC/4	LC/3
129-17-004	2003	Antonio Rojo	LC/4	LC/3
132-67-013a	2003	Jose Parra	LC/4	LC/3
133-37-293	2003	James Dahl	LC/4	LC/3
133-46-127	2003	Richard Fix	LC/4	LC/3
139-19-008a	2003	Nellie Giger	LC/4	LC/3
140-36-457a	2003	Shirley Ulrich	LC/4	LC/4/3
142-68-097	2003	Solen Seals	LC/4	LC/3
148-14-007	2003	Wayne McDermid	LC/4	LC/3
200-93-310	2003	Margaret Riley	LC/4	LC/3
504-12-017p	2003	Gilberto Salazar	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on October 2, 2006. (ADM407)

Alva, Rosanna	\$5,163.27
Cooke, Earl/Elnora	\$2,651.22
Crespin, Gil/Yolie	\$3,500.00
Owens, Alvin	\$5,237.74

**DONATIONS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the donation reports received from county departments for September 2006. (ADM1810)

Sheriff's Office received a cash donation of \$555.00

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Suzanne Valentine	270009305	Payroll	\$736.96
German Salzar	370013195	Expense	\$1,800.00
Carlos Cabland	360567333	Expense	\$860.00
Lorette Carriere	360567624	Expense	\$30,960.00

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Kelli Sparrow	Queen Creek SD #95	1720348	\$705.75
Joanne Bauman	Tolleson Union High SD #214	470030223	\$5,609.36
Quill	Litchfield Elem SD #79	470004674	\$1,663.50
H and E Equipment Services	Agua Fria Union High SD #216	470025263	\$951.65
Cindie Gragg	Liberty SD #25	170019130	\$136.31
Metlife Small Business Center	Liberty SD #25	460126271	\$5,454.73
Metlife Small Business Center	Liberty SD #25	460126272	\$2,132.75
Metlife Small Business Center	Liberty SD #25	460126273	\$563.98
Katherine Amelia Platner	Buckeye Elem SD #33	170019391	\$917.37
Mark Owens	Balsz SD #31	31567662	\$1,034.80
AZ School Risk Retention	Avondale Elem SD	476348	\$253,942.00

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held June 28, 2006 and March 13, 2006.

**PRECINCT COMMITTEEMEN**

No requests to authorize the appointment and cancellation of appointment of Precinct Committeemen were received for this meeting. (ADM1701)

**PROPERTY RE-CLASSIFICATION APPEAL CASES**



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

Pursuant to A.R.S. §42-12052, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the property owner's appeal to re-classify properties, which has satisfied the requirements of occupancy status, and re-classify properties to class three properties (owner occupied). Waive assessed penalties and liens. Direct the County Assessor to re-classify properties to class three (owner occupied), pursuant to A.R.S. §42-12003. (ADM310-001)

<b>Owner Name</b>	<b>Book</b>	<b>Map</b>	<b>Item</b>
DOLAN H TR	148	7	87
SEARS JOHANNA N	149	39	506
SUAREZ CELIA MARIE	153	2	70
RIECK CAMILLE WELLER/SCHNEIDER DIANE C	169	55	27
ORTEGA CARLOS	218	32	69
MICKELSON T R/LINDA A TR	232	30	738

**SECURED TAX ROLL CORRECTIONS**

No requests were received from the Assessor for corrections of the Secured Tax Rolls for this meeting. (ADM705)

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases dated October 18, 2006. (ADM704)

<b>2005</b>	<b>2006</b>
ST2005-000110	ST2005-000130
TX2004-000858	TX2005-050347
TX2004-000735	ST2005-000098
<b>2005/2006</b>	ST2005-000122
TX2005-050463	

**STALE DATED WARRANTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Wendy Miller	\$1,620.45
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**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office for this meeting. (ADM708)

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

No member of the public came forward to speak at this meeting. (ADM605)

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
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**FORMAL SESSION**  
**October 18, 2006**

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Brock thanked all those citizens who were recognized earlier for serving on Boards and Commissions for the County. He mentioned that Janet Mills and Sue Jordan, from his Supervisorial District, had driven in from Sun Lakes to attend the ceremony and he thanked them for their willingness to drive so far. (ADM606)

Mr. Brock also noted that a clean-up has been planned for the Gila River Indian Reservation on Saturday, November 4<sup>th</sup> and asked all those who would like to volunteer for this community service to call his office to learn where the assembly site will be.

He also noted that another Alpha graduation would be held on Friday, October 20, 2006, at the Durango Jail. This is a very successful program to help reduce drug addiction through a formal program while inmates are incarcerated. There have been significant reductions in drug usage through the Alpha Program since it was implemented 10 years ago. Among those prisoners who graduate from the program the recidivism rate has been cut to 12% as compared to 80% of those who are back in jail after two years who do not take advantage of the Alpha Program. Some of the Alpha graduates are even attending college classes. A special invitation has been issued to judges to attend the upcoming graduation.

Supervisor Wilcox announced that the plenary session of the Arizona-Mexico Commission will be held in Puerto Penasco. A sports component has been added this year and 100 youth will be taken down to play sports with teams from the State of Sonora. She said that the children will come from all parts of the Valley.

Supervisor Wilson commented on the transportation system and the \$300 million the legislature appropriated for improvements on highway structure. He asked if the Board would work on a resolution everyone could agree on to make recommendations for improvements since the Board represents all parts of the County and every part of the County needs work done to ease their transportation issues.

Chairman Stapley said the only way to accomplish something this complicated would be to put it on an agenda for a study session.

**PLANNING AND DEVELOPMENT**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**NOTE:** The following reviews are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred. New evidence is not considered at these hearings.

**CODE ENFORCEMENT REVIEW – LEO R. LEROY – CONTINUED INDEFINITELY**

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2001-00041, Leo R. LeRoy. This Hearing continued from the meetings of September 18, 2002,

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005, August 24, 2005, February 15, 2006, and August 16, 2006. Staff recommends this item to be continued indefinitely. (ADM3417-013)

Darren Gerard noted that an indefinite continuance is being requested for the first two code enforcement reviews.

Supervisor Wilson asked why these should be continued since these cases have been continued several times in the past and an effort is being made to move things through Planning and Development.

Terry Eckhardt responded that these cases involve “junk, trash and debris” on two adjoining parcels in the West Valley. One of the defendants is now deceased and there is ongoing litigation between three parties as to ownership of the properties. He added that there are probable “severe environmental problems with these properties” and he added, “we don’t want to end up owning them and that would be our next step.” He said that the attorneys hired by the three parties have withdrawn from the case over payment issues. Mr. Eckhardt has tried to work with all of them to resolve the problem of ownership and of the many vehicles that are on the properties.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this case indefinitely.

**CODE ENFORCEMENT REVIEW – DONALD HUTMAN – CONTINUED INDEFINITELY**

This is the time for the review of the Hearing Officer’s Order of Judgment in Zoning Code Violation Case Nos. V2001-00718, Donald Hutman. This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003, February 16, 2005, August 24, 2005, February 15, 2006, and August 16, 2006. Staff recommends this item to be continued indefinitely. (ADM3417-012)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this case indefinitely.

**CODE ENFORCEMENT REVIEW – WALT STOUT**

This is the time for the review of the Hearing Officer’s Order of Judgment in Zoning Code Violation Case Nos. V2005-00738-741-742, Walt Stout. This Hearing continued from the meeting of October 4, 2006. (ADM3417-036)

Darren Gerard said this case involves 1.7 acres in the north Phoenix area containing “junk, trash, debris and miscellaneous equipment” and storage without an approved plan of development. This case was opened in April 2005 and numerous continuances have been requested by the respondent to allow time to clean up the site. At an August 8, 2006, hearing the Zoning Hearing Officer (ZHO) upheld an earlier decision that found Mr. Stout responsible for the violations and the fine imposed of \$1,500 plus \$50 a day until compliance is verified. The site remains non-compliant to this date. Some items have been moved off of the site to a public right-of-way in the City of Phoenix and some to a site in Pinal County, where he is also facing non-compliant charges. As of this date the total fine in Maricopa County is \$5,050.

The Chairman called for speakers on this matter.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

Steve Cohee, City of Phoenix, said that Phoenix got involved in this case in June 2003 when property adjacent to Mr. Stout's property was annexed. A letter was sent to Mr. Stout and Del Schultz contacted the City to say that every effort would be made to remove debris as they wanted to sell the property and removal was stipulated as part of the sale. The City did not have the budget or staff to remove it at that time and Mr. Stout is in non-compliance with them as well. He added, "We would appreciate any help the County can give us."

Diane Maldonado, Maldonado-Olson Masonry, citizen and adjacent property owner to Mr. Stout's property, said he did move some of the junk from that property and promised to remove all other debris when they bought the property four years ago. She brought photos taken on October 17, 2006, that showed examples of the equipment and other debris still on the property. She said that junk, and even piles of dirt, are moved around from one area of the property to another so it looks like progress is being made but nothing substantive is being accomplished.

Supervisor Wilson asked counsel if the County could legally go in and clean the property up to allay the discomfort of neighbors and then put a lien on the property for costs.

Terry Eckhardt said he believed there is a statute that involves that question and he would research it and report back. He added that the usual steps are to file a lawsuit against the owner asking the court to enter a judgment for the amount of the fine and then placing a judgment lien against the property. The court is also asked to have the property cleaned up, if that isn't done the owner is in civil contempt and can be sent to jail, then if necessary, the County can foreclose on the judgment and sell the property in a public sale.

Walt Stout, the property owner who lives in Las Vegas, NV, said he still intends to sell the property and is getting it cleaned up as rapidly as possible. He said he has already taken 67 semi-loads out of there and they are moving some railroad cars out today. He asked the Chairman to defer the judgment for 90 days to give him time to complete the task.

Chairman Stapley said the entire Board will vote on the question of whether or not to uphold the Hearing Officer's Order of Judgment.

Dale Schultz, Mr. Stout's local associate, said they have photos to show that a lot has been removed already and they are continuing to clean it as it is financially possible for them to do so. He added that a lot has been removed in the last two weeks. He also asked for additional time to resolve this issue.

Supervisor Brock said that if 60-70 semi-truckloads have already been removed and there are literally still train boxcars and buses and boats and parts of airplanes left on it (as shown in Ms. Muldanado's photos) and he added, "I'm looking at one boat that looks big enough to be an ocean-going vessel and there is heavy equipment, well drilling equipment – this has to be classified as a major scrap yard." He asked for a timeline on the ownership of the property and a timeline of the citations.

Darren Gerard reported that the applicant said he has owned the property for 10 years, the County's violation was opened in April 2005. He added that things were moved off during the first months and, "if significant progress had been made there would be no case before you today." He said that the applicant seems to think that given time to clean the property the violation will be considered null and void and the fines would be eliminated, but this is not true.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

Supervisor Kunasek said, "It is very clear that this mess didn't happen overnight or by accident, a lot of people have suffered and our zoning code has been tortured by this offense. I feel very strongly that we should uphold the hearing officer's order."

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to uphold the Hearing Officer's order. The fines will continue until it is verified that compliance has been met.

**PLANNING AND ZONING AGENDA**

**CONSENT AGENDA DETAIL:**

1. **Z2005-124**      **District 4** (Continued from 10-04-06)  
**Applicant:**      Maracay Homes  
**Location:**      Southeast corner of Maryland Avenue and 129th Avenue (in the west Glendale area)  
**Request:**      Rezone from Rural-43 to R1-35 RUPD (approximately 43.7 acres) – Bethany Estates North

**COMMISSION ACTION:** Commissioner Jones recommended approval of Z2005-124, subject to the following stipulations "a" through "p". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with zoning exhibit and Preliminary Plat entitled "Bethany Estates North" consisting of four (4) full-size sheets, dated revised August 21, 2006, and stamped received August 22, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Bethany Estates North", consisting of fourteen (14) pages, dated revised June 30, 2006, and stamped received July 6, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Bethany Estates North", consisting of one (1) full-size sheet, dated revised June 30, 2006, and stamped received July 6, 2006, except as modified by the following stipulations.
- d. The R1-35 RUPD zoning district for Bethany Estates North shall be subject to the following development standards of the following RUPD Comparison Chart.

Development Standard	R1-35 Base	R1-35 RUPD Proposed
Maximum building height / stories	30'2 stories	30'2 stories
Minimum front setback	40'	20'
Minimum side setback	20'	20'
Minimum street side setback	20'	20'
Minimum rear setback	40'	30'
Minimum lot size	35,000 sq. ft.	32,670 sq. ft.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

Minimum lot width	145'	145'
Average lot area per dwelling unit	35,000 sq. ft.	45,500 sq. ft.
Maximum lot coverage	20%	30%
Minimum distance between Buildings on same lot	15'	10'
Required parking spaces per unit	2	2
Perimeter Fence/Wall Height	6'	7'
Retaining Wall Height	3'	4'
Walls Combined Height	N/A	11'
Maximum Area of Subdivision Sign	32 sq. ft. per Article 1402.9.2	32 sq. ft. per Article 1402.9.2
Maximum Height of Subdivision Sign	6' per Article 1402.9.6	6' per Article 1402.9.6
Hillside Development Standard	20% disturbance	100% disturbance of area for lots 24, 25, 26, 28 & 29
Detached Accessory Structures	As allowed under MCZO Article 1002.9	As allowed under MCZO Article 1002.9 plus one detached guest house up to 1,008 sq. ft.
Section 1110.6.7 Terraces, patios, platforms and ornamental features which do not extend more than three feet above grade may project into any required yard, provided such features shall be distant at least two feet from any lot line or setback line.		Section 1110.6.7 – Deleted for this Development.

- e. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:

Provide a total half-width right-of-way of 40' and 60' (Frontage Road) for Maryland Avenue and 40' for 127th Avenue.

Provide a total half-width right-of-way of 30' for 129th Avenue.

Ultimate half-width improvements on perimeter roadways.

- f. Two hundred fifty dollars (\$250) per house will be paid by the developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage Bethany Estates North residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Bethany Estates North subdivision with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.
- g. Two hundred fifty dollars (\$250) per house will be pad by the developer as each residential building permit is issued to a fund for the Maricopa Trail for design, construction, enhancement, operation and maintenance. The County will deposit and

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes but rather are intended as supplemental and enhancement resources needed as this community grows in its residents use of the Maricopa Trail.

- h. All trees shall be double staked when installed.
- i. A continuous parapet shall screen all roof-mounted equipment.
- j. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- k. All interior streets within the proposed development are to be constructed to minimum County standards.
- l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department.

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than 8 ½ inch by 11 inch sign, and be



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "p."

- 2. Z2006-071 District 4** (Continued from 10-04-06)
- Applicant: Coe & Van Loo Consultants for Courtland Land, LLC
- Location: Northwest corner of Lone Cactus Drive and 119th Avenue (in the Sun City West area)
- Request: Major Amendment to an approved R1-6 RUPD (approximately 79.6 acres) – Rio Sierra

**COMMISSION ACTION:** Commissioner Jones recommended approval of Z2006-071, subject to the following stipulations "a" through "d". Commissioner Aster seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of Rio Sierra shall comply with and all stipulations of Z2000187 and Z2003127 remain in effect as may be applicable.
- b. Development of Rio Sierra shall be in substantial conformance with the zoning exhibit entitled "Exhibit for Rio Sierra", consisting of one (1) full-size sheet prepared by Coe & Van Loo, dated June 23, 2006 and stamped received July 5, 2006, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised zoning exhibit that includes all requisite information and consolidates exhibits for Z2000187, Z2003127 and Z2006071. Development of Rio Sierra shall be in substantial conformance with the revised zoning exhibit.
- c. Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised narrative report that reflects all requisite information and consolidates narratives for Z2000187, Z2003127 and Z2006071. Development of Rio Sierra shall be in conformance with the revised narrative report.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- d. Development of Rio Sierra shall comply with the development standards in the following tables.

<b>Development Standards</b>	<b>Parcel 1 (Lots 1 – 75)</b>
Maximum Height:	30'2 stories
Minimum Front Yard: (1)	10' (18' garage face)
Minimum Side Yard:	5'
Minimum Street Side Yard:	10'
Minimum Rear Yard:	15'
Lot Area:	4,950-sq. ft.
Minimum Lot Width:	40'
Average Lot Area per Dwelling Unit:	6,000-sq. ft.
Maximum Lot Coverage:	55%
Distance Between Buildings Same Lot:	10'
Parking Spaces per Dwelling Unit:	2
Wall Height: (2)	9'
Hillside Disturbance: (3)	100%
	<b>Parcel 2 (Lots 76 – 280)</b>
Maximum Height:	30'2 stories
Minimum Front Yard: (1)	10' (18' garage face)
Minimum Side Yard:	5'
Minimum Street Side Yard:	10'
Minimum Rear Yard:	15'
Lot Area:	5,500-sq. ft.
Minimum Lot Width:	45'
Average Lot Area per Dwelling Unit:	6,000-sq. ft.
Maximum Lot Coverage:	50%
Distance Between Buildings Same Lot:	10'
Parking Spaces per Dwelling Unit:	2
Wall Height: (2)	9'
Hillside Disturbance: (3)	100%

- (1) Front entry garage must meet an 18' setback.
- (2) The Maricopa County Zoning Ordinance (M.C.Z.O.) requires lot walls outside of the normal building envelope to be limited to 6' in the required side and rear yards and 3.5' in the front yard. In this instance, there shall be a maximum wall height of 9' including a 6' privacy fence on top of a 3' retaining wall. The retaining wall portion of the total wall height shall be limited to a maximum of 3'. Walls must still meet the 3.5' maximum height when located in the required front yard as required by the M.C.Z.O.
- (3) 100% disturbance of hillside slopes shall be allowed within delineated residential lots.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "d."

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

3.     **Z2006-072**     **District 4** (Continued from 10-04-06)  
          **Applicant:**     Coe & Van Loo Consultants for Courtland Land, LLC  
          **Location:**     Northwest corner of Williams Drive and 123rd Avenue (in the Sun City West area)  
          **Request:**     Major Amendment to an approved R1-6 RUPD (approximately 14.5 acres) – Rancho Silverado Unit 2

**COMMISSION ACTION:** Commissioner Jones recommended approval of Z2006-072, subject to the following stipulations “a” through “d”. Commissioner Bowers seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of Rancho Silverado Unit 2 shall comply with and all stipulations of Z2003002 remain in effect as may be applicable.
- b.     Development of Rancho Silverado Unit 2 shall be in substantial conformance with the zoning exhibit entitled “Exhibit for Rancho Silverado”, consisting of one (1) full-size sheet prepared by Coe & Van Loo, dated June 23, 2006 and stamped received July 5, 2006, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised zoning exhibit that reflects includes all requisite information and consolidates exhibits for Z2003002 and Z2006072. There shall be separate zoning exhibits for Units 1 and 2 of Rancho Silverado.
- c.     Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised narrative report that reflects all requisite information and consolidates narratives for Z2003002 and Z2006072.
- d.     Development of Rancho Silverado Unit 2 shall comply with the development standards in the following table.

<b>Development Standards</b>	
Maximum Height:	30’/2 stories
Minimum Front Yard: (1)	10’ (18’ garage face)
Minimum Side Yard:	5’
Minimum Street Side Yard:	10’
Minimum Rear Yard:	15’
Lot Area:	6,000-sq. ft.
Minimum Lot Width:	50’
Average Lot Area per Dwelling Unit:	8,815-sq. ft.
Maximum Lot Coverage:	55%
Distance Between Buildings Same Lot:	10’
Parking Spaces per Dwelling Unit:	2
Maximum Height Lot Walls: (2)	9’ (Max. 3’ retaining)

- (1)     Front entry garage must meet an 18’ setback.
- (2)     The Maricopa County Zoning Ordinance (M.C.Z.O.) requires lot walls outside of the normal building envelope to be limited to 6’ in the required side and rear

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

yards and 3.5' in the front yard. In this instance, there shall be a maximum wall height of 9' including a 6' privacy fence on top of a 3' retaining wall. The retaining wall portion of the total wall height shall be limited to a maximum of 3'. Walls must still meet the 3.5' maximum height when located in the required front yard as required by the M.C.Z.O.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "d."

4.     **S2004-002     District 4**  
       **Applicant:**   Coe & Van Loo Consultants  
       **Location:**   Northwest corner of Williams Drive and 123rd Avenue (in the Sun City West area)  
       **Request:**     Final Plat in the R1-6 RUPD zoning district for Rancho Silverado Unit 2 (approximately 14.53 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve this final plat.

5.     **Z2006-073     District 4 (Continued from 10-04-06)**  
       **Applicant:**   Coe & Van Loo Consultants for Courtland Land, LLC  
       **Location:**   Southeast corner of Pinnacle Peak Road and 123rd Avenue (in the Sun City West area)  
       **Request:**     Major Amendment to an approved R1-6 RUPD (approximately 59.9 acres) – Rancho Silverado Unit 1

**COMMISSION ACTION:** Commissioner Jones recommended approval of Z2006-073, subject to the following stipulations "a" through "d". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of Rancho Silverado Unit 1 shall comply with and all stipulations of Z2002018 and Z2003129 remain in effect as may be applicable.
- b.     Development of Rancho Silverado Unit 1 shall be in substantial conformance with the zoning exhibit entitled "Exhibit for Rancho Silverado", consisting of one (1) full-size sheet prepared by Coe & Van Loo, dated June 23, 2006 and stamped received July 5, 2006, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised zoning exhibit that reflects includes all requisite information and consolidates exhibits for Z2002018, Z2003129 and Z2006073. There shall be separate zoning exhibits for Units 1 and 2 of Rancho Silverado.
- c.     Within 30 days of approval by the Board of Supervisors and prior to any additional zoning clearances, the applicant shall provide a revised narrative report that reflects all requisite information and consolidates narratives for Z2002018, Z2003129 and Z2006073.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- d. Development of Rancho Silverado Unit 1 shall comply with the development standards in the following table.

<b>Development Standards</b>	<b>Parcel A (Lots 1 - 110)</b>	<b>Parcel B (Lots 111 - 210)</b>
Maximum Height:	30'2 stories	30'2 stories
Minimum Front Yard:	10'	10'
Minimum Side Yard:	5'	5'
Minimum Street Side Yard:	10'	10'
Minimum Rear Yard:	15'	15'
Lot Area:	5,750-sq. ft.	6,900-sq. ft.
Minimum Lot Width:	45'	55'
Average Lot Area per Dwelling Unit:	6,000-sq. ft.	6,000-sq. ft.
Maximum Lot Coverage:	55%	55%
Distance Between Buildings Same Lot:	10'	10'
Parking Spaces per Dwelling Unit:	2	2
Wall Height:	9' (Max. 3' retaining)	9' (Max. 3' retaining)

The Maricopa County Zoning Ordinance (MCZO) requires lot walls outside of the normal building envelope to be limited to 6' in the required side and rear yards and 3.5' in the front yard. In this instance, there shall be a maximum wall height of 9' including a 6' privacy fence on top of a 3' retaining wall. The retaining wall portion of the total wall height shall be limited to a maximum of 3'. Walls must still meet the 3.5' maximum height when located in the required front yard as required by the MCZO.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "d."

- 7. Z2006-037 District 4**  
**Applicant:** MB Group, LLC for Insearch Investments, LLC  
**Location:** Approximately 1,745' east of the southeast corner of Perryville Road and McDowell Road (in the Goodyear/Buckeye area)  
**Request:** Major Amendment to a Precise Plan of Development in the IND-2 zoning district, Westside Military Base Overlay Zone 4 and in the High noise and/or accident potential zone of LAFB (approximately 5.65 acres) – Weber Group

**COMMISSION ACTION:** Commissioner Makula moved to recommend approval of Z2006-037, subject to the following stipulations "a" through "u". Commissioner Masel seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the site plan entitled "Plan of Development – Weber Group West Side Equipment Storage & Warehouse Facility" consisting of three (3) full-size sheets, dated March 4, 2006, revised September 6, 2006 and stamped received September 6, 2006.
- b. Development shall be consistent with the narrative report entitled "Plan of Development Construction Equipment Storage Facility", consisting of fourteen (14) pages, dated

revised August 21, 2006 and stamped received August 29, 2006, except as modified by the following stipulations.

- c. Prior to zoning clearance, the applicant shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- d. All habitable buildings constructed shall be constructed to attain noise reduction of ARS 28-8482.
- e. Dedication of additional right-of-way to bring the total half-width dedication to 65 ft. for McDowell Road, shall occur prior to zoning clearance or as deemed appropriate by Maricopa County Department of Transportation (MCDOT).
- f. The applicant shall bond for ultimate half-street improvements on McDowell Road for pavement, gutter, curb and sidewalk prior to zoning clearance or as deemed appropriate by Maricopa County Department of Transportation (MCDOT).
- g. The applicant shall construct a westbound left-turn lane on McDowell Road into the site that includes required pavement tapers prior to zoning clearance or as deemed appropriate by Maricopa County Department of Transportation (MCDOT).
- h. A Notice of Intent to Discharge for the onsite wastewater disposal system must be submitted to and approved by the Maricopa County Environmental Services Division (MCESD) prior to construction of the onsite wastewater disposal system.
- i. A continuous parapet shall screen all roof-mounted equipment.
- j. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- k. All trees shall be double-staked when installed.
- l. Landscaping along McDowell Road, the north perimeter wall, and the east and west perimeter screening fence shall be completed prior to zoning clearance of the office trailer for Phase One.
- m. All buildings shall meet Maricopa County standards and the applicant shall obtain proper permits prior to construction or placement of any structures on the site.
- n. A copy of the sight visibility easement document shall be provided prior to zoning clearance.
- o. All uses except for parking, loading, unloading, or storage shall be conducted within a completely enclosed building.



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

- p. The site shall remain in conformance of ARS 28-8481. Any change in use other than that described in the approved narrative shall require a letter of approval from Luke Air Force Base (LAFB).
- q. The south perimeter wall shall be constructed prior to certificate of final occupancy for warehouse in Phase Two.
- r. The landowner shall notify future tenant that they are located within the state-defined "territory in the vicinity of a military airport" with the following language noted on all lease agreements:

"You are leasing property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

- s. In any multi-phase industrial project, all areas of a parcel which have been graded or the surface disturbed in any way, and which are not currently under development shall be revegetated or surfaced to minimize wind-blown dust by a plan approved by Maricopa County.
- t. Major changes to this Plan of Development (the site plan and narrative report) or conditions of approval shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- u. Noncompliance with the Plan of Development (the site plan and narrative report) or conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

**FORMAL SESSION**  
**October 18, 2006**

Following Mr. Gerard's brief outline of this consent item, Supervisor Wilson asked for additional information on it since it dealt with Luke Air Force Base. He added that no response had been received from Litchfield Park and Goodyear, however, in the past these municipalities had expressed dissent about it later. He asked both city managers to bring any complaints to him now when something could still be done to address their concerns. Darren Gerard gave further information on previous action and the basics of this request. He added that a Plan of Development is in place and Luke AFB has signed off on it.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "u."

**AT THE REQUEST OF THE PLANNING DEPARTMENT THE NEXT ITEM WAS MOVED FROM THE CONSENT AGENDA TO THE REGULAR P&Z AGENDA DUE TO RECENT OPPOSITION.**

**REGULAR AGENDA DETAIL:**

- 6.        Z2006-040        District 2** (Continued from 10-04-06)  
**Applicant:**        T-Mobile for Apache Junction Church of the Nazarene  
**Location:**        East of Signal Butte Road and north of Apache Trail (in the east Mesa area)  
**Request:**        Special Use Permit (SUP) for a wireless communication facility in the R1-8 zoning district, and in the Wireless Communication Facility Use District 1 (approximately 0.01 acres) – Church of the Nazarene

**COMMISSION ACTION:** Commissioner Bowers recommended approval of Z2006-040, subject to the following stipulations "a" through "f". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 6-0.

- a.        Development of the site shall be in substantial conformance with the site plan entitled "Church of the Nazarene PH10375A", consisting of five (5) full-size sheets, dated revised July 20, 2006, and stamped received July 24, 2006, except as modified by the following stipulations.
- b.        Development of the site shall be in conformance with the narrative report entitled "PH10375A Church of the Nazarene", consisting of three (3) pages, dated revised July 6, 2006, and stamped received July 6, 2006, except as modified by the following stipulations.
- c.        The overall height of the Wireless Communication Facility shall be limited to 70' including all antennas and attachments.
- d.        All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- e.        All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- f.        Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements related to the wireless communication facility shall be removed within 60 days of such termination or expiration.
- i. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard said this request is for a Special Use Permit for a 70' tall mono-palm wireless communication facility at the Church of the Nazarene in East Mesa. This was moved from the Consent agenda because a letter of opposition has been received from the Desert Point at Signal Butte HOA opposing the height of the pole.

Those present in favor of this action included Daniel Buck, Nathan Buck, Gerald Adcock from the Church of the Nazarene and Chad Huber and Taylor Candland representing T-Mobile. Chairman Stapley asked Gerald Adcock to speak first.

Gerald Adcock, Church of the Nazarene, spoke in favor of the request, saying that the church provides an outreach program to help community residents and the money from this tower will be used for community betterment and not for any religious purpose. He cited good works previously done by the church to

**FORMAL SESSION**  
**October 18, 2006**

enhance the community. He felt the height of the pole should be a non-issue because it cannot be seen from the neighborhood that has raised objections to it.

Chairman Stapley explained that none of the speaker slips are in opposition to this request and asked if anyone present was opposed to it. There was no response. The Chairman called for a motion

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "l."

- 8. TA2005-007 All Districts** (Continued from 10-04-06)  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment to the Maricopa County Zoning Ordinance to allow "by-right" co-location of Wireless Communication Facilities on existing utility poles and towers.

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of TA2005-007 portion regarding Section 1202.2.6. The remainder of this proposal be denied or held in abeyance until the staff proposed text amendment is brought forth for review. Commissioner Smith seconded the motion, which passed with a unanimous vote of 9-0.

Mr. Gerard said this matter has been in process with the applicant for at least a year. He said staff was not supportive of most of the language being proposed but did support the specific language in section 12.02.2.6 and the Commission and staff ask for approval of this section (only).

He noted that the applicant has stated that they believe this text amendment will exempt their cellular facilities from building permit requirements. Staff and legal counsel disagree and he asked the applicant to come forward and state for the record today if this is their stance. Other alleged remarks state that the TA would show special privilege to Salt River Project (SRP).

Chairman Stapley asked for clarification on what the Board was being asked to do in excluding most of this amendment and supporting one portion. Discussion ensued on this and on previous problems with this type of facility.

Allen Garrison, Wireless Department Manager for SRP, said SRP's original application that was filed last November had included a process for administrative approval for all utility site requests, substations as well as transmission lines. He explained that the current process, in obtaining a Special Use Permit, takes six to twelve months per site. During the summer staff recommended that substations receiving applications be "by-right" and SRP made the change in a revised application presented to the Planning Commission several months ago. He said the original application had included vertical infrastructure – all utilities' towers and existing communication wireless carriers. He added that SRP would have no objection to reverting to their original application but acknowledged that SRP is also okay with the by-right application the Commission had approved, and to holding the remainder of the application in abeyance to come forward at a later date for approval.

Supervisor Wilson said he would like a method to get public opinion on the installation of the substations and other facilities being installed to be devised. He pointed out that if he is going to approve something for his neighbors he would like to know more about what it is, and to have their approval, before it is built.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

He commiserated with SRP on the length of time it has taken and said part of the blame must be placed on the rapid growth of the County.

Chairman Stapley asked about the height on this structure and discussion ensued on acceptable heights per ordinance restrictions and the approval ordinance implications that are in place. Chairman Stapley stated that there were some equivocal issues in this item and several Members had expressed an inclination to know more before voting on it.

There are also questions about this text amendment exempting an applicant from having to get a building permit. Terry Eckhardt said that it does not exempt them, and the Chairman asked that language supporting this opinion be inserted into the amendment to alleviate future confusion. The Chairman expressed his support for the text amendment but suggested that a continuance would provide time to bring this issue to an equitable completion for all, and requested individual briefings on the matter prior to a date certain for a continuance. He joined Supervisor Wilson in commenting on the length of time this process takes and expressed the hope that a common effort to change some ordinance language to make it "very clear" would be advantageous to all.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the December 6, 2006, meeting to allow time for continuing research.

- 9.      TA2006-006      All Districts**  
**Applicant:**      Commission Initiative  
**Location:**      County-wide  
**Request:**      Text Amendment to the Maricopa County Local Additions and Addenda to amend value determinations and update manufactured/mobile home set up fees

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of TA2006-006. Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

Following an explanation on this text amendment by Darren Gerard, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval.

**TA2006-006**

**Permanent Utility Authorization:** Permanent utility approval shall not be authorized until after a permanent Certificate of Occupancy has been issued. Said authorization to the utility company shall include a copy of the Certificate of Occupancy.

**SECTION 208.      FEES**

**Determination of Value:** Values shall be determined through the use of the most current published Building Valuation data in the publication "Building Standards" as modified for Arizona. The Building Official may develop similar increases for unpublished valuations.

Additional Value Determinations:

Walls and fences:

Retaining walls	Per lineal foot
0-2'	\$15
2-4'	\$25
4-6'	\$42

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

6' or more		\$86
Chain link		\$ 6
CMU		
4" 6' or less		\$14
4" more than 6'	\$21	
8" block or other		\$22
Wrought iron		\$16
Iron wood		\$18
Wood		\$11
3 strand barbed wire		\$ 3
Rail		\$ 6

In ground pools \$200 per perimeter foot

Wood frame or masonry patio covers shall be valued as open carports.

Metal patio covers and covered pipe-rail horse corrals shall be valued at 50 percent of the value of a wood or masonry patio cover.

Non-habitable accessory buildings, other than covered pipe-rail horse corrals, shall be valued as a private garage.

Water/sewer collection and distribution lines shall be valued as determined by the building official.

Shell buildings shall be valued at 80% of new building value.

Alterations shall be valued at 20% of new building value.

**Processing:** All plan review fees (65 percent of calculated permit fee) required to be paid shall entitle the applicant to three submissions and reviews of documents submitted. If the applicant is unable to obtain approval of his application with these three attempts, the application shall be denied. The applicant may then resubmit and the submittal shall be treated as a new application. Should these circumstances occur or the permit has been expired in accordance with the Building Code, the Building Official may use information located in the denied/expired files to expedite processing, provided that the owner and/or architect/engineer have remained the same and that the building plans have not been changed.

No subsequent step in the permit process shall be undertaken without all fees due being paid.

**Fees:** The Building official may develop a requirement for an initial flat rate filing fee for permits that require plan review. Should this type of fee be developed, said fee shall be considered as a part of and credited against any required plan review fees. The building plan review fees specified in the code are separate fees from the permit fees specified, these fees are also separate from the fees specified for investigations. Building plan review fees are assessed in addition to these other fees. All fees may be rounded up to the next full dollar amount at the discretion of the Building Official.

The following fees are hereby established for use.

**TABLE 1-A – BUILDING CODE/PERMIT FEES**



<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

<b>Total Valuation</b>	<b>Fee</b>
\$1 TO \$500	\$23.50
\$501 TO \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14.00 for each additional \$1000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7.00 for each additional \$1000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.65 for each additional \$1000, or fraction thereof

**Other Inspections and Fees:**

1. Inspections outside of normal business hours	\$ 150 per inspection
2. Reinspection fees	\$ 50 per inspection
3. Inspections for which no fee is indicated	\$ 50 per inspection
4. Expedited in-house plan review	\$ 75 per hour
5. Expedited plan review by consultant	Actual costs
6. Standard plan review (5 options)	2 times normal plan review fee
7. Change to approved plan (includes standards)	\$ 250
8. Modification	\$ 100 per request
9. Alternate material, design or methods under	\$ 100 per request
10. Tests required	\$ 100 per test & test fees paid by applicant
11. Appeal to the Building Code Advisory Board	\$ 500
12. Amendment to the Code	\$1500
13. Requested/needed staff directive	\$ 250

**Flat Rate Fees:**

Air conditioner	\$ 30
Elec. Serv Residential 1 – 200 amps	\$ 30
Elec. Serv Res or Comm 201 – 400 amps	\$ 50
Elec. Serv Over 400 amps	\$ 90
Temporary meter	\$ 30
Evaporative cooler	\$ 30

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

Gas Line (connect or clearance)	\$ 30	
Mobile home "Pre-HUD Upgrade"		\$ 30
Plumbing sewer line SFR		\$ 30
Irrigation System		\$ 30
Sprinkler		\$ 30
Mechanical		\$ 30
Plumbing (Install or replace Equip/fixture/devices)	\$ 30	
Demolition Permit		\$ 35
Manufactured/Mobile Home Setup/Installation	<del>\$ 120</del>	\$200
Commercial Manufactured Building (factory built building)		Based on installation value & Table 1-A
Occupancy Change		\$ 50
Hot tub or Spa (in or above ground)	\$ 50	
Swimming pool above ground	\$ 50	
Compliance Inspection	\$ 75	
Move on House (compliance inspection)	\$ 75	
Renew permit for final	\$ 75	
Special Event Fee (tents)		\$ 100 per event

**Additional Fees:**

Plumbing (water/sewer collector lines)	\$ 30 min based on valuation
Amendment to approved plan data	\$ 30
Unpaved Parking Area Paving	\$100
Temporary Certificate of Occupancy	
Without bonding	\$250
With bonding	\$500
Subdivision Infrastructure Permit	\$300

**Copy Charges:**

Additional copy of:	
Permit	\$ 2
Job card	\$ 2
Certificate of Occupancy	\$ 2
Copy (Approved Plans – per set)	\$ 15 per set
	(Restamping Only)

**Copy (per page)**

Standard copier	\$ 1
Oversize copier	\$ 6

**Grading Fees:**

**Plan Review Fees:**

Volume of material (Cut and Fill)	Fee
<50 cubic yards	No fee

<b>MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK</b>
---

**FORMAL SESSION**  
**October 18, 2006**

50 – 100 cubic yards	\$ 23.50
101 – 1,000 cubic yards	\$ 37.00
1,001 – 10,000 cubic yards	\$ 49.25
10,001 – 200,000 cubic yards	\$ 49.25 plus \$ 24.50 for each additional 10,000 cubic yards or fraction thereof
200,001 or more cubic yards	\$269.75 plus \$ 7.25 for each additional 10,000 cubic yards or fraction thereof
Additional plan review required by changes, additions, or revisions to approved plans	\$ 50.00

**Permit Fees:**

Volume of material (Cut and Fill)	Fee
<50 cubic yards	\$ 23.50
50 – 100 cubic yards	\$ 37.00
101 – 1,000 cubic yards	\$ 37.00 plus \$ 17.50 for each additional 100 cubic yards or fraction thereof
1,001 – 10,000 cubic yards	\$194.50 plus \$ 14.50 for each additional 1,000 cubic yards or fraction thereof
10,001 – 100,000 cubic yards	\$325.00 plus \$ 66.00 for each additional 10,000 cubic yards or fraction thereof
100,001 or more cubic yards	\$919.00 plus \$ 24.50 for each additional 10,000 cubic yards or fraction thereof

**SECTION 209. ADDITIONAL REGULATIONS**

**NOISE LEVEL REDUCTION:** Any building within the vicinity of a military airport or ancillary military facility as defined by State Statute shall have a noise level reduction incorporated in the design and construction of any residential building or portions of buildings where the public is received, office areas and where normal noise level is low for first occupancy, including libraries, schools and churches, pursuant to building permits issued after December 31, 2001 in order to achieve a maximum interior noise level of forty-five decibels in areas within noise contours described in Section 1007. of the Maricopa County Zoning Ordinance. All residential buildings in territory in the vicinity of a military airport but outside the noise contours as described in this section shall be constructed with a minimum of R18 exterior wall assembly, a minimum of R30 roof and ceiling assembly, dual-glazed windows and solid wood, foam-filled fiberglass or metal doors to the exterior or, if the specified building standards are not met, the County may approve as an alternative, a certification by an architect or engineer registered pursuant to A.R.S. Title

**FORMAL SESSION**  
**October 18, 2006**

32, Chapter 1 to achieve a maximum interior noise level of forty-five decibels at the time of final construction.

**SECTION 210.           BARRIERS FOR SWIMMING POOLS, SPAS & HOT TUBS**  
**SECTION 210.1 - GENERAL**

**10.     DMP2004-001   District 4** (Continued from 10-04-06)

**Applicant:** Earl, Curley & Lagarde, PC for Walden Farms, LLC, et al

**Location:** One-half mile west of Grand Avenue, generally bordered by Lone Mountain Road on the north, 211th Avenue on the east, Peak View Road on the south, and Crozier Road on the west (in the Surprise area)

**Request:** Development Master Plan (DMP) consisting of single-family residential, commercial, public facility, and open space land uses (approximately 520.6 acres) – Walden Ranch

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2004-001, subject to the following stipulations “a” through “ii”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Development Master Plan document entitled “Walden Ranch Development Master Plan”, a bound document, dated revised March 15, 2006 and stamped received March 22, 2006, including all exhibits, maps, and appendices, except as modified by the following stipulations.
- b. Development shall comply with the Development Master Plan document entitled “Walden Ranch Land Use Plan”, consisting of one page, dated June 22, 2006 and stamped received June 23, 2006, except as modified by the following stipulations.
- c. Changes to the Walden Ranch Development Master Plan with regard to use and intensity, or changes to any of the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Maricopa County Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, subdivision regulations, and zoning ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Walden Ranch Development Master Plan narrative report, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with the provisions of the Maricopa County Zoning Ordinance.
- d. All stipulations of approval shall remain in effect in the event of a change in name of the Walden Ranch Development Master Plan.
- e. If the initial final plat has not been approved within four (4) years from the date of Board of Supervisors approval, this development master plan will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider revocation of the adopted development master plan. Further, should this development master plan be

rescinded, all zoning and other entitlement changes approved as part of the Walden Ranch Development Master Plan shall also be considered for reversion by the Board of Supervisors and upon recommendation of the Commission, to the previous entitlements.

- f. Prior to approval of any zone change, the master developer shall enter into a development agreement with Maricopa County that addresses short- and long-term service, infrastructure, operation, maintenance, and financial assurance needs of Maricopa County agencies necessary to provide adequate services and infrastructure to future residents of the Walden Ranch Development Master Plan. Further, prior to approval of any final plat this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that such changes are necessary due to changing circumstances or conditions, although such modifications are subject to approval by the Board of Supervisors. The master developer may also petition for modifications, which are also subject to Maricopa County Board of Supervisors approval.
- g. Prior to approval of any zone change for the Walden Ranch Development Master Plan, the master developer shall provide the Maricopa County Planning and Development Department with a pre-annexation services and development agreement with the City of Surprise, which identifies their intention to provide water and/or wastewater services to the property. This pre-annexation agreement shall be signed by both the Walden Ranch master developer and the City of Surprise.
- h. Until such time that organization takes place, notification shall be provided to future residents that they are not located within an organized high school district, and that high school students will have to attend a high school either in the Town of Wickenburg or the City of Peoria. Such notification shall be placed on all final plats, be permanently placed on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs), and include identification of which high schools have capacity and have agreed to accept students from outside their district.
- i. Master developer shall provide notification to future homeowners that they are located in close proximity to the Luke Air Force Base Auxiliary Airfield #1 facility, and thus will be subject to loud noise from military aircraft overflights, with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. §28-8481. Your house should include "sound attenuation" measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights a day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- j. Future homebuilders shall noise attenuate all structures as required under Arizona Revised Statutes.
- k. The master developer shall be responsible for the construction of all public and private on-site roads within the Walden Ranch Development Master Plan. Further, the Walden Ranch homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths.
- l. Prior to approval of each final plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- m. Landscaping of all common areas and open spaces, except for identified recreational areas, within Walden Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.
- n. All irrigation water supplied for common/open space areas and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years after issuance of the first building permit. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of conversion from groundwater to a renewable water supply shall be provided to the



Maricopa County Planning and Development Department within the five year requirement.

- o. The Walden Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Walden Ranch Development Master Plan narrative report.
- p. The total number of residential dwelling units for the Walden Ranch Development Master Plan shall not exceed 1,572. To help ensure compliance, the cumulative number of dwelling units, in relation to the identified limit, shall be identified on all plats.
- q. Residential development shall be prohibited on areas with a slope of 15% or greater.
- r. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Walden Ranch Development Master Plan every three years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, progress on how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- s. Until annexation of the entire development master plan takes place, the master developer shall notify all future Walden Ranch Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8-½ by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs).
- t. All park facilities shall be completed concurrently with residential development of the respective plat on which the park is shown. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department.
- u. Not less than 8.55 acres shall be reserved for Recreational Open Space (ROS) land use. Further, the project shall have not less than three (3) park sites of approximately three (3) acres each, with one park in each neighborhood cluster (north, central, and south) as described in the Walden Ranch Development Master Plan narrative report. Further, not less than fourteen (14) pocket parks at least one (1) acre size each shall be provided. All parks shall include recreational amenities. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative ROS acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the ROS and mini-park areas shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

- v. Not less than 19.98 acres shall be reserved for commercial land uses. To help ensure compliance, at the time of each preliminary plat submission the master developer shall include a description of the status of the cumulative commercial land use acreage with respect to the requirements of this stipulation.
- w. Unless otherwise agreed to by the applicable school districts, not less than one (1) school site and a minimum of 11.97 acres shall be reserved for schools.
- x. The master developer shall provide non-vehicular multi-use trails along all major arterials. Such trails shall be identified on all plats and are subject to approval by Maricopa County.
- y. Prior to zone change approval, the master developer shall provide a "will serve" letter (or letters) and a Certificate of Convenience and Necessity, if applicable, from a qualified public or private water provider demonstrating commitment to provide the Walden Ranch Development Master Plan with water service, subject to approval by the Maricopa County Department of Environmental Services.
- z. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection from the Wittmann Fire District or another qualified public or private fire service provider demonstrating commitment to serve the entire Walden Ranch Development Master Plan, which is subject to approval by the Maricopa County Planning and Development Department.
- aa. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once complete, a report of the results shall be provided to the Arizona State Historic Preservation Officer for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona SHPO shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.
- bb. A quality of life assessment of \$596.00 for each housing unit built is to be made available to the Maricopa County Library District for the purposes of future library service and infrastructure needs.
- cc. One hundred fifty dollars (\$150) per residential unit will be paid by the master developer as each residential building permit is issued, to a fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage by Walden Ranch residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Walden Ranch Development Master Plan with a one-year, seventy-five (\$75) voucher toward the purchase of an annual pass for entrance into any desert

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

mountain regional park administered by said department, except Lake Pleasant Regional Park.

- dd. One hundred fifty dollars (\$150) per residential unit shall be paid by the master developer as each residential building permit is issued, to a fund for the Maricopa Trail for design, construction, enhancement, operation and maintenance. The County shall deposit and hold all receipts in the trails special revenue fund for the specific purposes stated. All interest earned on this fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing County appropriations for similar purposes, but are intended as supplemental and enhancement resources needed as this community grows in its residents' use of the Maricopa Trail.
- ee. Prior to approval of the first final plat, the master developer shall enter into a development agreement with the Maricopa County Sheriff's Office which addresses the manpower and equipment necessary to serve the Walden Ranch DMP, as identified in the MCSO letter to the Maricopa County Planning and Development Department dated received April 3, 2006 and signed by Captain R. Stoner. Further, prior to approval of any final plat this development agreement shall be signed by both the master developer and the Maricopa County Sheriff's Office and provided to the Maricopa County Planning and Development Department for public record.
- ff. Prior to approval of the first preliminary plat or first Approval to Construct (whichever comes first), Final Water and Sewer Master Plans must be submitted, under application and fee, for the onsite water and sewer infrastructure to MCESD for approval. This may require the submittal of two water master plans, one for each of the water providers. Approval of these final master plans will be required before any Final Plats will be approved by MCESD.
- gg. The following Maricopa County Drainage Review stipulations shall apply:
  - 1. Provide detail contours with the first preliminary plat submittal to demonstrate water does not flow across US 60.
  - 2. Utilize the latest Wittmann Area Drainage Master Study with the first preliminary plat submittal.
- hh. The following Maricopa County Department of Transportation stipulations shall apply:
  - 1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. The Applicant needs to provide an updated TIS prior to rezoning.

2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
  - A.) Crozier Road: 65 Feet
  - B.) 215th Avenue: 80 Feet and 40 Feet
  - C.) 211th Avenue: 65 Feet
  - D.) Lone Mountain Road: 65 Feet
  - E.) Montgomery Road: 80 Feet and 40 Feet
  - F.) Dixileta Drive: 130 Feet and 65 Feet
  - G.) Peak View Road: 40 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

Additional right-of-way shall be dedicated at any intersections where future dual left turn lanes are possible. The widened right-of-way section shall accommodate the length of the left turn lane, including reverse curves.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed.

Montgomery Road shall be constructed as either a full width interior street or a half width perimeter street, unless released from this requirement by both Maricopa County and the City of Surprise. Whether bridges or low-flow crossings will be required will be determined at a later date.

6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item 2.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads. (The schools may NOT "back up" to arterials.) Pedestrian routes to school shall be planned so if necessary, they shall only cross arterials at signalized intersection.
10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.). Crossings of arterials at other than signalized intersections shall be grade separated.
11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
15. The Applicant shall provide written documentation of ADOT's requirements and approval. The Applicant shall provide written documentation of City of Surprise's approval.
16. The Applicant may need to provide additional improvements along 211th Avenue to accommodate traffic movements to and from the school site.
17. The Applicant shall address all Transportation Planning comments prior to rezoning.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- ii. The following Flood Control District of Maricopa County stipulations shall apply:
  - Prior to any work being done in the floodplain, a Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District.

Darren Gerard reported on past action in this case and on recent action taken by the Planning Commission at their meeting. He said that Surprise is in agreement and has been working on a pre-annexation utilities service agreement with the applicant. The recommendation is for approval.

Supervisor Wilson reiterated a concern expressed earlier on rapid transportation issues generated by new construction in previously rural or semi-rural areas of the county. He mentioned that this touches all districts but particularly those in the western portions of the County where the greatest expansion will continue to locate and he asked that this problem be addressed now to facilitate travel in the future.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission's recommendation of approval with stipulations "a" through "ii" and modified stipulation "u" with language provided by the applicant as given below.

- u. *Not less than 8.55 acres shall be reserved for Recreational Open Space (ROS) land use. Further, the project shall have not less than ~~three (3)~~ two (2) park sites of approximately a minimum of three (3) acres each, with one park in each the north and south neighborhood clusters ~~-(north, central, and south)- as described in the Walden Ranch Development Master Plan narrative report.~~ Further, not less than ~~fourteen (14)~~ eight (8) pocket parks at least one-half (0.5) ~~(4)~~-acre size each shall be provided to be generally consistent with the exhibit entitled "Walden Ranch Open Space and Conceptual Lotting Plan" dated October 17, 2006. All parks shall include recreational amenities. At the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative ROS acreage and park numbers with respect to the requirements of this stipulation. A description of the types of recreational amenities that will be included in the ROS and mini-park areas shall also be submitted with all preliminary plats to the Maricopa County Planning and Development Department. A trail system generally consistent with the exhibit entitled "Walden Ranch Open Space and Conceptual Lotting Plan" dated October 17, 2006 shall also be provided and shown on all relevant preliminary plats.*

- 11. Z2005-115 District 3** (Continued from 10-04-06)  
**Applicant:** Earl, Curley & Lagarde, PC for Anthem Arizona, LLC  
**Location:** West of Gavilan Peak Parkway and north of Daisy Mountain Drive (in the Anthem Area)  
**Request:** Rezone from Rural-43 (SUP) to C-O CUPD for a commercial office (approximately 10.9 acres) – Anthem C-O Rezone

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2005-115, subject to the following stipulations "a" through "e". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be generally consistent with the narrative report/zoning exhibit, entitled "Letter of Explanation Z2005115; Rezoning Narrative for excess WWTP and temporary Fire Station site" consisting of a bound document with eighteen (18)



**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

pages, including nine (9) color zoning exhibits, dated (revised) July 11, 2006 and stamped received July 11, 2006 except as modified by the following stipulations.

- b. Within sixty (60) days of approval by the Board of Supervisors, the applicant shall provide an AutoCAD or Shape file with legal descriptions to amend the existing Special Use Permit for the Waste Water Treatment Plant region to the Planning and Development Department.
- c. A precise Plan of Development and any necessary subdivision plats shall be required prior to development.
- d. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- e. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Mr. Gerard explained this rezoning request in Anthem and past action on the matter. He said the recommendation is for approval.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "e."

- 12. Z2005-137 District 2** (Continued from 10-04-06)  
**Applicant:** Jeffrey Giles of Clouse Engineering for Cornerstone Homes  
**Location:** Northwest corner of Broadway Road and 96th Street (in the east Mesa area)  
**Request:** Major Amendment to an approved R-5 RUPD to increase the maximum wall height (approximately 17.5 acres) – Sienna Estates

**COMMISSION ACTION:** Commissioner Bowers recommended approval of Z2005-137, subject to the following stipulations "a" through "o". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the zoning exhibit entitled "RUPD Major Amendment for Sienna Estates", consisting of two (2) sheets, dated (revised) July 12, 2006, and stamped received July 17, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval, a revised site plan detailing the following R-5 RUPD chart along with related wall details for Sienna Estates shall be submitted:

**R-5 RUPD DEVELOPMENT STANDARDS**

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

<b>DEVELOPMENT STANDARD</b>	<b>R-5 (BASE STANDARDS)</b>	<b>R-5 RUPD (APPROVED)</b>
Lot Area Per Dwelling Unit	1,000 sq. ft.	2,398 sq. ft.
Maximum Lot Area	N/A	3,622 sq. ft.
Minimum Lot Area	6,000 sq. ft.	2,200 sq. ft.
Minimum Lot Width	60'	40'
Maximum Lot Coverage	50%	75%
Front Setback	20'	10' *
Rear Setback	25'	5'
Side Setback	5'	3'
Street-side Setback	10'	10'
Side Yard Building Separation	N/A	8' Use & Benefit Easement
Minimum Distance between Buildings **	10'	N/A – No Accessory Buildings
Maximum Building Height	40' / 3 stories	30' / 2 stories
Required Parking Spaces	308	308
Maximum Wall Height***	6'	9'
* Face of front-facing garage shall be a minimum of 18' from the property line.		
** Indicates Distance Between Buildings on the Same Lot		
*** Lots indicated with retaining walls as shown on the site plan within the required setbacks may observe a max. height of 9' to include 6' of privacy/view wall on top of a max. 3' of retention.		

- b. Development of the site shall be generally consistent with the project narrative entitled, "Narrative Report for Sienna Estates", consisting of five (5) pages, stamped received July 17, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Overall Landscape Concept Plan RUPD Amendment for Sienna Estates", consisting of one (1) page, dated July, 2006, and stamped received July 17, 2006, except as modified by the following stipulations.
- d. The final design of the proposed housing product shall be such that no view windows are located on the garage side of the house. However, view windows may be allowed on the garage side of the house when facing a street or open space.
- e. Unless annexed into the City of Mesa, the following Rural/Metro Fire Department stipulations shall apply:
  - i. Premises identification shall be legible from the street or drive and shall be indicated on all construction plans.
  - ii. The developer shall provide all-weather access roads of not less than 20' in width to all buildings and fire hydrants during construction.
  - iii. Each single family dwelling unit driveway shall be a minimum of 12' in width and less than 12% grade.

- iv. Fire lanes and emergency access shall be provided and marked in accordance with the State of Arizona Fire Code and the International Fire Code 2000.
- v. Water supplies shall meet or exceed the fire protection fire flow requirements as required by the International Fire Code, Appendix B. Minimum static pressure of 20 PSI at 1,500 GPM and 2 hours duration. Fire sprinklers may reduce these requirements.
- vi. The developer shall have the required number of fire hydrants installed and operable prior to the footing inspection as required by the International Fire Code, Appendix B. Reflective fire hydrant street markings shall be installed with pavement. Maximum fire hydrant spacing shall not exceed 500 feet on center.
- vii. All fire hydrant connections / threads shall be National Standard threads.
- viii. The developer shall determine the ultimate compliance with the Fair Housing Amendments Act and the Americans with Disabilities Act and to incorporate same into the building plans, i.e. fire notification within handicapped dwelling units, audio-visual notification in commercial buildings, etc.
- ix. Fire sprinklers are not required by code unless fire flow or access is insufficient. Fire sprinklers are however recommended by Rural/Metro Fire Department. Certain design freedoms can be achieved with residential fire sprinklers.
- x. This project requires 8 hydrants and a Knox Box on each emergency access.
- f. Prior to drainage clearance, the following Maricopa County Drainage Review stipulations shall be addressed on the Grading and Drainage plan:
  - AZ State P.E. seal and signature need be provided on the plan.
  - Show the location of proposed retaining wall and block wall on the plan. Indicate if any drainage openings will be proposed on the plan.
- g. All trees shall be double-staked when installed.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- j. The applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County, after Final Plat recordation and prior to any zoning clearance for any construction permits.
- k. All interior streets within the proposed development are to be constructed to minimum County standards.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- l. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Mr. Gerard said this subdivision has already been approved and this item is for an amendment to address increased wall heights to a maximum of nine feet. The recommendation is for approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

- 13. Z2006-038 District 3**  
**Applicant:** Halle Properties, LLC for Eaton Veterinary Labs, LLC  
**Location:** Approximately 125' east of the southeast corner of Carefree Highway and 7th Street (in the north Phoenix/Desert Hills area)  
**Request:** Precise Plan of Development in the C-2 CUPD zoning district (approximately 1.03 acres) – Discount Tire Co., Inc.

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-038, subject to the following stipulations "a" through "n". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Precise Plan of Development for Discount Tire Co., Inc." consisting of eight (8) full-size sheets, dated August 9, 2006 and stamped received September 5, 2006, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Discount Tire Co. Store", consisting of twelve (12) pages, dated August 2006 and stamped received September 5, 2006, except as modified by the following stipulations.
- c. All trees shall be double-staked when installed. Landscaping shall be native and Sonoran Desert plant species.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**  
**October 18, 2006**

- d. A continuous parapet shall screen all roof-mounted equipment.
- e. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Development of the site shall include the installation of a dry sewer system to provide for the future connection to any public or private sewer system that is installed within 300 feet of the subject site. In addition, the applicant and his successors shall participate in the Desert Hills Sanitary Improvement District. Finally, at the time that a public or private sewer system is made available to the subject site, the applicant/property owner is to connect to the sewer system and begin the process to discontinue use of the wastewater treatment facility.
- i. Prior to building permit issuance the owner shall show evidence of water service to the site as deemed appropriate by the Maricopa County Environmental Services Department (MCESD). This may be in the form of an agreement between the owners of Tuscani Pointe allowing connection to their existing water service sharing a meter or guarantee of a new service/tap and meter for connecting to Desert Hills Water Company, or setting up a portable tank/pump system for hauled water temporarily, using an approved water hauler from an approved water source until the new service/tap & meter are available.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION**

**October 18, 2006**

- n. No materials of any kind used in the operation of the business shall either stand or be stored outside the building at any time.

Mr. Gerard reported on the case background and said there is no neighborhood opposition and the recommendation is for approval. Supervisor Kunasek also expressed his approval and commented that many of the residents he has spoken with are eager to have a Discount Tire located near them.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval with stipulations "a" through "n."

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board